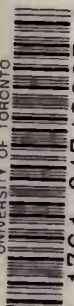


UNIVERSITY OF TORONTO



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FIRST REPORT
FROM THE
SELECT COMMITTEE
ON
The State of Ireland.
1825.

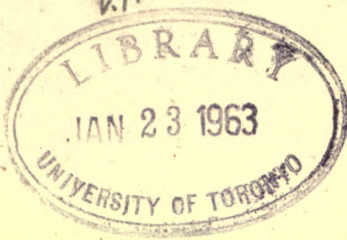
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THE STATE OF IRELAND

MINISTER FOR AGRICULTURE

The State of Ireland

1825

[Language of the country and its inhabitants]

Printed by the Government Printer, Dublin

MINUTES OF EVIDENCE.

First Day :—Mercurij, 23° die Februarij 1825.

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FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into The STATE of IRELAND, more particularly with reference to the Circumstances which may have led to Disturbances in that part of the United Kingdom; and to report their Observations, together with the MINUTES OF EVIDENCE taken before them, from time to time, to The House;—Have made a Progress in the matter referred to them, and examined several Witnesses; and directed the MINUTES of the EVIDENCE to be reported to The House.

23 March 1825.

MINUTES OF EVIDENCE.

Mercurii, 23^o die Februarii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

Robert John Wilmot Horton Esq., a Member, examined.

HAS the attention of Government been of late directed to the subject of Emigration from Ireland to the Colonies?—In answer to that question, I would refer the Committee to an extract from the Report of the Select Committee in 1823, which refers to the emigration which was then commenced, but the result of which had not then been known. Of that emigration, to a certain degree, we have received information; and any information we have received respecting it, I shall be prepared to give to the Committee; at the same time, as Mr. Robinson, the superintendent of that emigration, is here, I think the details of it had better be derived from him.

What were the circumstances that induced government to turn their attention to this subject?—In the year 1823 it was considered that it might be desirable, with reference to the state of the south of Ireland at that time, to encourage a partial emigration, more as an experiment, than with any view that an emigration on so small a scale could produce any very beneficial results. I should wish here to take the opportunity of observing, that I am most anxious any observations that I may make upon a GENERAL principle of emigration, may not be considered, in any degree, as conveying the opinions of the government. Upon the subject of the emigration that has been carried into effect under the directions of His Majesty's government, specific information can be given; with respect to the application of a more extended scale of emigration from Ireland, I am not in the least authorized, on the part of the government, to say any thing; as an individual, my attention has been directed to the subject, and if I can supply any information, I shall be happy to do so.

What is your opinion with regard to the probable effect of introducing an enlarged system of emigration from Ireland?—I would observe, that I consider that it is an admitted fact, that in parts of Ireland the population may be considered as redundant, in the sense of the supply of labour being very disproportionate to the

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Esq.

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he demand; I should imagine, that in such a state of things no remedy could be more satisfactorily supplied than emigration carrying off that population, of the employment of which no opportunity can be there found, provided the expense of carrying such emigration into effect is not too great to justify such an expense. The estimate of the expense of the emigration, in the course of the year 1823, was completely justified by the result of the experiment. In 1823 the emigrants sent to Canada consisted of 382 persons above the age of 14, and 186 persons under the age of 14; altogether 568. The expense for transport to Quebec, including all expenses, amounted to 3,771*l.* 17*s.* 7*d.* for the transport only, exclusive of provisions and medicine 2,101*l.* the expense per head was 22*l.* The Committee will understand, that the experiment has completely succeeded as far as it has gone, with the incurrence of the expense of 22*l.* per head. This includes the location of a settler, and his maintenance for a year, and being placed in a position in which he can carry himself on with his own industry under an average rate of seasons without any further assistance. There can be no doubt that if this system were to be carried on, on a more extensive scale, and subjected in some respects to a more rigid economy, the expense would be reduced to the rate of 20*l.* per head. This calculation has reference to the following proportions of emigrants: A father and mother and two children, making an aggregate of 80*l.* for the four. If that proportion of men were greater, the expense would necessarily be increased; but I think from the papers that it will be submitted to the Committee it will be demonstrable, that for the expense of 20*l.* per head, taking that ratio, any number of persons may be located in the Canadas. Perhaps the more convenient way of bringing this before the Committee will be, to make the following Statement, derived from Mr. Robinson, the superintendent, and dated the 1st of January 1825:—"The total expense of the emigration to Canada in the year 1823, including one year's provisions after location, a cow, and all other expenses (except that of the allowance to the superintendent) amounted to 12,539*l.* 3*s.* making 22*l.* 1*s.* 6*d.* per head, for 568 persons; of this sum it will be observed, a large proportion was expended in the purchase of flour and pork; and in forming an estimate for future emigration it will be necessary to enquire, what were the prices in 1823 and 1824, and whether they were higher than usual, and higher than we may expect them to be in future years. By referring to the Commissariat account it will be seen, that the first supply of flour and pork for one month, exceeds the sum estimated for those articles in the printed memorandum at least 50 per cent. delivered at Prescott. From whence the transport over land to Ramsay added another 50 per cent. The price afterwards was (delivered at Ramsay) - -

For the pork, per barrel	-	-	-	£3	18	9
Flour, per barrel	-	-	-	1	19	0

and estimated at this, until Mr. Robinson left Canada in the ensuing February. The usual prices of these articles may be considered,

For pork, per barrel	£2	14	0	-	cost last year	£3	18	9		
Flour, per barrel	-	1	5	0	-	cost	-	1	19	0
								3	19	0
								5	17	9
								3	19	0

making a difference, in this small quantity, of - £1 18 9

We may expect that these articles, so much dearer in 1823 than they had been for the preceding ten years, will again come down to their former prices, and information has been received that such is the fact; it is therefore reasonable to suppose that a sufficient saving will be made under this head of expenditure on next year's emigration, to warrant reducing the estimate to 20*l.* per head: but I do not think it right to encourage the idea of a reduction on any of the other items.

With regard to the scheme of emigration generally, I am decidedly of opinion that 20*l.* for each person (the proportion of men being as one to four) may be considered a correct estimate, and one that may be safely adopted; and I trust it will be found sufficient to embrace the allowance of the superintendent.

The expense incurred by the Navy Board for transport and provisions, and medicines, from Cork to Quebec, last year, amounted to the sum of 3,771*l.* is that a correct statement?—Yes; I will deliver in to the Committee detailed statements of the expense of that emigration.

[The same were delivered in, and read as follows:]

R. J. W. Horton.
Esq.

23 Feb. 1825.

A.

ABSTRACT of Expenses incurred in settling 568 * Irish Emigrants in Upper Canada,
including their transport from Cork to Quebec.

Appendix.		£	s.	d.
1.	Navy Board - - - - -	3,771	17	7
	Steam-boat at Cork, for embarking Settlers - - -	17	13	3½
2.	Mr. Robinson's expenses in Ireland, and passage to Quebec - -	187	9	8
3.	Amount paid by the Commissariat in Canada currency, £ 860 14 4			
4.	Do. - by Mr. Robinson - Do. - - - 8,028 3 5			
	Do. - of Stores issued to the Settlers by } £ 8,888 17 9	8,000	0	0
	Colonel Marshall, valued at - } - - - - -	340	4	0
5.	Mr. Robinson's Expenses, from his arrival in } Canada, the 2d Sept. 1823, until his return } Currency, £246 11 7	221	18	6
	to England, April 2d 1824 - - -	£	12,539	3 0½

* 182 men, 143 women, 57 boys between 14 & 18, and 186 children under 14 - - Total, 568.

December 22, 1824.

P. Robinson.

B.

AN ACCOUNT of the Expenses for Freight, Bedding, &c. incurred in carrying Settlers from
Ireland to Quebec, in the year 1823; also, for Provisions and Medicines.

SHIPS.	EXPENSE.
	£ s. d.
Stakesby - - - - -	1,125 4 4
Hebe - - - - -	976 0 0
Provision and Medicines for both Ships - - -	1,670 13 3
Total - - -	£ 3,771 17 7

Navy Office, Transport Department,
26th May 1824.

C.

STATEMENT of Expenses incurred by Mr. Robinson, between the 12th of May and the 8th of July
1823, while employed in promoting Emigration from the South of Ireland to Upper Canada, and
in superintending the embarkation of Settlers at Cork.

	£	s.	d.
Travelling expenses from London to Liverpool - - -	10	3	2
Expenses at - - Do. - - - - -	3	4	4
Do. - from Liverpool to Dublin - - - - -	5	15	0
Do. - at - - Do. - - - - -	1	17	6
Do. - from Dublin to Fermoy - - - - -	3	19	6
Printing memorandum of the terms of emigrating - - -	3	10	7
Putting them up and circulating them - - - - -	2	15	0
Paid Grul at Fermoy for post-horses - - - - -	15	15	10
- postboys and their expenses - - - - -	6	12	0
Mr. Robinson's expenses at the different villages - - -	16	15	0
Paid Brown at Fermoy for saddle-horses - - - - -	3	17	6
Ostler, &c. - - - - -	0	12	6
Postage of Letters - - - - -	1	8	0
A small desk - - - - -	1	2	9
Expenses at Fermoy from the 20th May to 2d July - - -	32	8	5
Servants - - - - -	4	12	0
Do. at Cork while embarking the Settlers, viz. for boatmen and conveyance to the Cove, and personal expenses at the Inn - - -	30	18	0
Stationery - - - - -	5	12	5
Paid messengers to warn the Settlers of the arrival of the ships, and to give them notice of the day of sailing - - - - -	4	15	0
Bedding and Stores for Mr. Robinson's voyage - - -	£ 12	15	0
Allowance to the Captain for passage - - - - -	16	0	0
Do. - to Steward, &c. - - - - -	3	0	10
	31	15	0
Sterling - - - - -	£	187	9 8

R. J. W. Horton,
Esq.

D.

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STATEMENT of Sums paid by the Commissariat in Canada, for transport and subsistence of the Irish Emigrants.

Particulars of Payments :	Amount Currency.
J. B. Henichon, navigating 22 large bateaux, La Chine to Fort Wellington, with Settlers - - - - -	£ s. d. 92 15 0
Frederick Henichon - do. - five do. - to - do. - laden with provisions - - - - -	30 7 6
Seraphie Amourie, transport over the carrying-place between the Cascades and Cedars, of 22 large bateaux loads, at 12/- - - - -	13 4 0
Michael Hord, for cartage, Montreal to La Chine, of 59 loads baggage, 5/- - - - -	14 15 0
H. Dickinson, conveyance of Surgeons Hamilton and Dickson from Fort Wellington to Montreal - - - - -	3 10 0
Mr. James Dickson, surgeon, R. N. travelling allowance, Quebec to Fort Wellington - - - - -	9 10 0
Mr. James Hamilton, surgeon - do. - - - - -	8 10 0
D. Assistant Commissary General Hill, travelling expenses on proceeding to issue provisions at Fort Wellington - - - - -	10 5 7
Charles Lyons, travelling expenses on proceeding to assist on the same duty - - - - -	2 14 5
Amount due to the St. Lawrence Steam Boat Company ; viz.	
Passage of Mr. Dickson, surgeon, Quebec to Montreal - - - - -	2 5 0
Do. of 211 Settlers, with 76 children under 12 years of age do. do. - - - - -	112 1 0
Do. of Mr. Robinson, and Surgeon Hamilton - - - - -	4 10 0
Do. of 204 Settlers, with 87 children under 12 years of age do. do. - - - - -	111 7 6
Do. of Surgeons Hamilton and Dickson, Montreal to Quebec - - - - -	3 10 0
Value of provisions issued by the Commissariat from the 3d to the 18th Sept. 1823, for the use of the above-mentioned Settlers; viz.	
19,525 lbs. flour, at 35/- per barrel of 196 lbs. - - - - -	174 6 7½
1,860 2/6 lbs. bread, at 2d. per lb. - - - - -	15 10 1½
2,767 2/3 lbs. biscuit, at 13/9 per cwt. - - - - -	16 19 10
15,480 1/3 lbs. salt pork; viz.	
at Quebec, 754 2/3 lbs at 4d. per lb. - - - - -	12 11 7
Montreal, 14,725 2/3, 56/10½ per 200lbs. 209 7 7	
	221 19 2
1,106 1/2 lbs. Irish beef, at 2¾d. per lb. - - - - -	12 13 7
	441 9 4
	£ 860 14 4

E.

THE Expense of conveying from Prescott to Ramsay, 60 miles over land, 568 settlers, and placing them on their lands.

	£ s. d.
Transport of provision and baggage from Prescott to Ramsay - - - - -	450 0 0
Provisions until the 1st January 1824 - - - - -	883 0 0
Do. - from the 1st January to the 1st June - - - - -	1,766 5 0
Do. - for the remainder of the year - - - - -	1,766 5 0
Farming utensils - - - - -	229 13 5
Assistance in putting up a log building on each lot - - - - -	450 0 0
Guides to shew the land - - - - -	150 0 0
Houses to lodge in, and stores for a dépôt - - - - -	200 0 0
182 Cows, at £4 10s. each - - - - -	819 0 0
Seed corn and potatoes for planting - - - - -	364 0 0
Clerk and servants to issue provisions, including their subsistence - - - - -	400 0 0
Transport of provisions - - - - -	300 0 0
Medical advice and medicines - - - - -	100 0 0
Shoes and flannel - - - - -	150 0 0
Provincial currency - - - - -	£ 8,028 3 5

Note:—When the Accounts come to be made up, some of the items may vary a little from the above statement. However, I do not think there will be found to be much difference.

P. Robinson.

F.

R. J. W. Horton,
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Mr. ROBINSON'S Expenses while superintending the Settlement of the Irish Emigrants in Canada, from the 2d of September 1823 to the 28th February 1824; his Travelling Expenses from Ramsay to New York; his passage across the Atlantic to Liverpool, and expenses from the time of leaving the ship until his arrival in London 2d April.

	£	s.	d.
Expenses at Quebec	-	-	-
Do. - at Montreal	-	-	-
Travelling expenses from Montreal to Prescott	-	-	-
Expenses at do.	-	-	-
Horse-hire and expenses from Prescott to Ramsay, 60 miles over land	-	-	-
Expenses while remaining in the woods with the Settlers, from the 22d September to the 6th December	-	-	-
Travelling expenses to York (290 miles) and returning to Ramsay 28th February	-	-	-
Do. - from Ramsay to New York	-	-	-
Expenses at do.	-	-	-
Passage across the Atlantic in the Packet to Liverpool	-	-	-
Steward and servants	-	-	-
Expenses at Liverpool	-	-	-
Do. to London	-	-	-
Provincial Currency	£		
	246	11	7

DOES any other mode occur to you, or has any other mode been suggested to you, by which the expense of the transport of emigrants from Ireland to Quebec may be diminished?—I hold in my hand a letter that has been received from a Mr. Astle, in consequence of a letter that was written from the colonial department, requiring him to send in an estimate at what rate the general trade of Ireland might be induced to take emigrants out at per head; and if the Committee will allow me, I will read that letter. “Sir,—I had the honour to receive your letter, dated the 15th, requesting information at what rate the ship-owners here would convey emigrants to Quebec. In reply to which, any definite offer must depend on the numbers, time and place of embarkation, and the plan itself which may be adopted by His Majesty’s government; in the absence of particulars, I shall give you such general information as will enable you to found an estimate. It is absolutely necessary that any operation for this spring commence immediately, the early ships sailing for Quebec prior to the 10th April, and it is probable that a higher price will be demanded for those sailing in May and June, should any extent of shipping be required in those months; I would therefore respectfully recommend, that this year you confine the embarkation to Dublin, Waterford, Cork, and perhaps Limerick. By granting a free passage only, the sum voted by Parliament will embrace a larger circle of relief; and I have no doubt that the benefit of Ireland, and prosperity of Canada, will be the result of adopting these simple means of facilitating emigration. On consulting Mr. James Gray, of this city, who, like myself, owns shipping in the Quebec trade, we would undertake to carry out emigrants at the rate of 4*l.* for each grown person, exceeding fourteen years of age; 2*l.* for those between seven and fourteen years; and 1*l.* 8*s.* for those under seven years. For which sums we would supply shipping, coals, water and medicine, and comply with the regulations of the late Act of Parliament; but if compliance with the latter is waived, which you have the power of doing, the rates would be about 3*l.* 10*s.*, 1*l.* 15*s.* and 1*l.* 4*s.*; or we will undertake the orders of His Majesty’s government at the ports they direct, and collect the emigrants for embarkation, on being allowed a commission on the money actually expended for shipping, &c.; in either case, we can offer you unquestionable security. If your department have determined on any place, I will attend in London, and make a definite offer, and assist in any practical details you may require. I have not recommended Ulster as the seat of the first experiment, the emigrants there being able to provide their own passage to Canada.

“I remain, Sir, your obedient servant,

“John Astle.”

Have you calculated at what rate per head those latter prices make for carrying out emigrants; namely, 3*l.* 10*s.*, 1*l.* 15*s.*, and 1*l.* 4*s.*?—I have here a written statement of what the expense was, in the experiment that was made, and of the rate

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of expense at which Mr. Astle proposes to take the same number, which I will read to the Committee.

In 1823, the emigrants sent to Canada consisted of 382 persons above 14, and 186 under 14, making in all 568, and those cost the government for transport to Quebec, including all expences, 3,771*l.* 17*s.* 7*d.*; and for the transports only, exclusive of provisions and medicines, 2,101*l.* 4*s.* 4*d.*?—The same number and description of people according to Mr. Astle's proposals, exclusive of provisions, will be found to amount—for

382 persons	-	above	-	14	-	4 <i>l.</i>	-	-	-	£1,528	0	0
93 do.	-	between 7 & 14	-	2 <i>l.</i>	-	-	-	-	-	186	0	0
93 do.	-	under	-	7	-	1 <i>l.</i> 8 <i>s.</i>	-	-	-	134	0	0
Total										£1,848	0	0

Another calculation, which refers to the same proposal, is as follows:—

382 persons	-	above	-	14	-	3 <i>l.</i> 10 <i>s.</i>	-	-	-	£137	0	0
93 do.	-	between 7 & 14	-	1 <i>l.</i> 15 <i>s.</i>	-	-	-	-	-	162	15	0
93 do.	-	under	-	7	-	1 <i>l.</i> 4 <i>s.</i>	-	-	-	111	12	0
Total										£1,611	7	0

And then it would stand as follows:—The first proposal of Mr. Astle, as compared with the expense incurred in 1823, for the transport of emigrants, exclusive of provisions and medicines, makes a saving of 257*l.* 0*s.* 4*d.* The second proposal of Mr. Astle, as compared with the same, makes a saving of 489*l.* 17*s.* 4*d.*

Has it ever come to your knowledge, that emigrants are actually carried at much lower rates from Ireland to Canada, than those mentioned by Mr. Astle?—It has come to my knowledge, that there is a sort of desultory emigration, which seems to be carried on on no fixed principle, in which emigrants may be carried at much less expense, though probably at the same time, under circumstances of greater inconvenience to themselves, and consequently landed in much less advantageous circumstances than under the system of emigration undertaken by the government. The object in that case, was to reduce the expense to the minimum that was consistent with the health and comfort of the emigrants; if any reduction can be made, of course it will be done, and if it should be found that it can be undertaken at lower rates than those which have been proposed, of course advantage will be taken of such facilities.

Are you aware, that the nature of the trade is of this description, that the vessels employed have only freights from America homewards, and have no regular freights outwards?—I have been informed so; but I conclude that Mr. Astle was aware of that circumstance at the time that he made his proposal.

Are you aware, that a practice existed before the passing of the late regulating Act, of carrying out emigrants in every respect in a proper manner, at the rate of between two and three pounds a head?—I never received any details proving that fact.

What was the average rate per head for the provisioning of the emigrants that went out last year?—I believe it may be stated at 3*l.* provisions and medicine, and surgical care included.

Do you know how much it costs an emigrant to provide himself with 60 days provision, which is constantly taken out?—It probably varies according to circumstances; I have no average statement of that expense.

Are you aware, to what extent there exists tonnage between Ireland and America, fit for the carrying out of emigrants?—I should imagine tonnage far beyond any possible demand that can be expected for the transport of emigrants.

IN order to produce any influence upon the population of Ireland, in your opinion to what extent ought the annual emigration to go, in point of numbers?—I should certainly feel great hesitation, particularly before this Committee, in offering any opinion upon the state of Ireland; it is scarcely possible to state any opinion upon the subject, without, in some degree, making an allusion to that presumed state; therefore, with that qualification, I will state my opinion: In the first place, the capabilities in the colonies of Canada alone, of receiving a population, are found to exist to so great an extent as would probably surprise the Committee, without examination in detail of the circumstances of that colony. I see no reason in principle why the emigration, which has been successfully carried into operation in the year 1823, and respecting which the most ample details can be given to the Committee,

23 Feb. 1825.

mittee, may not be carried into effect with reference to any conceivable number of persons disposed to emigrate; I mean, there is nothing in the amount of the numbers which would make it impossible to apply the principle; if a hundred men can be located at a given expense, in a given district in Canada, I see no reason why 100,000, 200,000, or 500,000 are not to be located at the same rate of expense. I think it is a material point to establish that fact; in Upper Canada alone I have no hesitation in saying, there is the most distinct evidence that 160,000 persons can be received. The present Governor of Lower Canada, Lord Dalhousie, is now in London; if the Committee think fit to avail themselves of the accidental circumstance of his being here, to give information with respect to Lower Canada, the province immediately under his government, he would be prepared to inform the Committee, that in one district alone, and that is the district of Gaspé, situated to the south of the St. Lawrence, and immediately to the northward of New Brunswick, he will tell the Committee, there is no doubt that in that province, where the soil is remarkably fine, and the climate good, and where there is an earlier spring than in the western parts of Lower Canada, that that province alone would absorb a population with the greatest facility of 500,000 persons. I wish to press upon the Committee, that in speaking of this subject as a colonial question, there is no limitation to the extent to which population can be absorbed, and that the local government would not feel any difficulty in disposing of them: And with respect to the practical question, as applied to Ireland, it appears to me to be simply this; if you have a redundant population, and that population agricultural, or capable of being applied to agricultural purposes, if you can remove that population at the rate of 20*l.* per head in so satisfactory a manner as to remove them from a situation, where, I presume, they are exposed necessarily to every inconvenience, and where their situation must expose them to every sort of temptation of outrage and disaffection; if you can transport them to your colonies, and transmute them into an orderly, satisfied and contented peasantry, whether it be or be not worth while, in a national point of view, to incur such an expense for such an object.

What plan is in contemplation at present, with regard to the current year?—The vote that government had agreed to grant for the present year, is 30,000*l.*; the emigration of the year 1823 was 15,000*l.*, 10,000*l.* only of which extended to the Canada emigration, the other applied to the Cape of Good Hope.

Upon what plan is it intended to apply that money?—Precisely in the same manner as the plan of 1823, adopting any suggestions for economy, that can be devised to make it less expensive. In making these observations upon emigration, I restrict myself entirely to the two Canadas; but there is the province of New Brunswick, which alone would absorb an enormous population, and there are other colonies which are capable of receiving emigrants without any limitation. In fact, if it be demonstrated that the removal would be a justifiable expense for the country to incur, it does not appear to me, that there can be any sort of difficulty in locating the emigrants in the colonial possessions of the empire.

Does it occur to you, that any facilities might be afforded to voluntary emigration from Ireland, unconnected with any support from government?—I hold in my hand here, a list of emigrants who have arrived in Quebec, of that voluntary emigration which is now alluded to; I have a paper on the subject of that voluntary emigration, which is quite unregulated, and which subjects those who enter into it, to most serious inconvenience; and I think it is well worth the consideration of the Committee, whether any measure can be adopted to put under regulation that emigration. The paper to which I have alluded, and which is not absolutely correct in all its details, states as follows:

“The emigration from Great Britain and Ireland to the Canadas, which commenced shortly after the final establishment of peace in 1815, went on in gradual increase from 5,000 or 6,000 persons in the course of a summer, to 12,900, all of whom were landed at the port of Quebec, 19 out of 20 being casual emigrants. In the years 1822 and 1823, 10,300 emigrants upon an average, annually arrived at Quebec. By far the larger proportion of these were little better than paupers. Having paid from four to six pounds for their passage and their sustenance on the voyage, they found themselves destitute on arriving at Quebec; they had neither the means of going upon Crown land if granted to them, nor of cultivating it. The greater part, if they had money to pay their passage up St. Lawrence; or if they could obtain it by a few days labour at Quebec, hastened on to Upper Canada; and of those who did so, perhaps one-half went on to the United States. Few remained and

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and became useful and effective settlers in the lower province. The proportions of the whole emigration to be assigned to the three nations, may be stated at about three-fifths Irish, and the remainder English and Scotch, with a larger proportion of the latter. Of the English and Scotch, perhaps one-fourth at least brought money or other resources with them. Of the Irish, scarcely one-twentieth landed with any thing but a scanty provision of clothes and bedding. Those who had not the means of settling on land, or who did not, or would not go to Upper Canada or the United States, remained as labourers in the principal towns of the Lower province; and when the approach of winter at once diminished their sources of employment and increased their wants, they became a burthen on the community.

It is satisfactory to know, that up to the close of the navigation of the St. Lawrence, this autumn, only 7,500 emigrants had arrived at Quebec, and that the greater part of these were of a better class of people than those of former years, and better provided with the means of subsistence.

No encouragement or assistance has been given by His Majesty's government, to any considerable extent at least, for the formation of settlements in the Lower province, to which a part of this tide of emigration might be attracted, and permanently fixed there, a useful addition to its population. There are no doubt disadvantages of climate, but not so serious as to prevent settlers from establishing themselves there, if encouraged. In the district of Gaspé, and in the ungranted portions of the province south of the St. Lawrence, situations may be found where settlements might most advantageously be formed.

There are several millions of acres of ungranted crown land still accessible, and not yielding in quantity to any that Upper Canada affords.

It is true that more than ten millions of acres of the finest land in the province have long ago been granted to persons, nine-tenths of whom are either absent or dead, or have never troubled themselves about performing the conditions of settlement. This land, however, being now forfeited, and resumable by His Majesty's government, as soon as it shall establish a sufficient tribunal for effecting the resumption, may fairly be added to the quantity of land disposable for the purposes of settlement.

An expenditure of 15,000*l.* or 20,000*l.* if granted by His Majesty's government, would be sufficient, in the first instance, to commence such a settlement; and there can be no doubt that it could be effectually begun, and supported at less expense than was incurred in 1823, in encouraging the emigrations from Ireland to Upper Canada.

Supposing Gaspé to be chosen as the district within which the experiment should be tried, the settler could at once be placed early in the summer upon his land; and this without any expense of inland transport.

In the district of Quebec, within the last year, it has been ascertained that the expense of conveying a family of emigrants to a distance of 100 miles up the St. Lawrence, and of furnishing them *tools* and *provisions*, has not exceeded 10*l.* for each family.

In the district of Gaspé, emigrants might be landed from Ireland at the head of the bay of Chalears, or upon the Ristigouche river, where there is now a land agent appointed by the provincial government, to receive such as may happen to reach those shores.

The country has been explored between that point and the river St. Lawrence, in two different directions, chiefly with a view to ascertain the practicability of forming a road of communication in that direction with New Brunswick; and not only has such a communication been found practicable, but the country has been ascertained to be generally well adapted for agriculture and settlement.

The formation of a settlement on that line of communication would be not only advantageous to the district of Gaspé, and easy to be effected, but would be of no small interest and importance to the military defence of Lower Canada and New Brunswick. The district of Gaspé contains already a large proportion of Irish population; and it is thought that a considerable emigration might annually be drawn thither from Ireland, with advantage to both countries.

No expectation can at present be entertained of deriving assistance in such an undertaking, in whatever part of Lower Canada it is commenced, from the colonial Legislature, as at present constituted.

In the year 1819, they granted 2,000*l.* to assist in the settlement of militia men on the crown lands. That sum is now expended in surveys, and the colonial assembly refused last winter to make a further grant."

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In 1817 the voluntary unregulated emigration was 6,976; in 1818, 8,221; in 1819, 12,907; in 1820, 11,239; in 1821, 8,056; in 1822, 10,470; in 1823, 10,258; in 1824, 75,000; did those come from Ireland?—Three-fifths of them were Irish, the other two-fifths English and Scotch.

Can you give the Committee an account of the emigration from Ireland to other parts of North America?—I do not imagine that voluntary emigration is carried on there on any extensive scale.

What measures appear to you, as practicable, to assist this voluntary emigration?—I think I cannot do better than read the address to Lord Dalhousie, from the Quebec emigrant society; which points out very clearly the inconvenience and expense which is incurred by those voluntary emigrants.

[The same was read as follows :]

“ To His Excellency Lieut. General the Earl of Dalhousie, G. C. B.
Commander of the Forces, &c. &c. &c.

“ THE Members of the Quebec Emigrant Society, an institution which, for several years past, has received such essential assistance, as well from the private liberality, as from the patronage, influence, and authority of your lordship, feel themselves called upon, by their sense of gratitude to your lordship, by their regard for the interests of the association, by their feeling of the public importance of this charity, and their experience of its necessity, to lay before your lordship, upon the eve of your visiting the mother-country, *A Statement of their application of that Bounty*, which was procured by your lordship's interest with His Majesty's government at home, and of the repetition of which they have been led to indulge the hope; a hope which, as they trust, will not be prejudiced by the inspection to which they now submit the discharge of the duty confided to their hands. Your lordship is well aware, that the influx of emigrants disembarking at the port of Quebec has not been lessened, (the number having amounted, in the last season, to 10,258,) and that the proportion of these who are unable to proceed further, is by many degrees greater than the city can either provide for, in the way of labour, or relieve in the way of charity, especially after the commencement of that severe season, which at once diminishes the sources of employment, and increases the wants of the poor. The bounty, therefore, of His Majesty's government, of which so large a share was, for the reasons just stated, assigned by your lordship to Quebec, was a relief most opportunely bestowed; but the society have been far from regarding it as a mere transfer of the burthen of charity from the shoulders of the citizens, to the resources at the command of government; they have felt themselves responsible for the application of this bounty, in such a way as within the range of their exertions, should at once produce benefit to the country, and promote the permanent advantage of the emigrant, by inciting him to good habits, or preserving them if already acquired, and by aiding him in the actual settlement of his family; the operations, therefore, of the society, within the last year, have been distributed under those several heads :—

“ 1st. THE relief of helpless indigence. Among the settlers of the year there have been found, as usual, widows with young children, and sickly persons, perhaps with whole families attached to them, either wholly destitute or insufficiently provided with means to procure food, clothing, lodging, stores, and fuel. Although these wants have been supplied under the most economical arrangements, and with a systematic calculation of improvidence in the persons to be relieved (to whom therefore, it has been very rarely in the shape of money that relief has been extended) this branch of expenditure has amounted to 200*l*.—2d. THE providing of work. The society have long made it a rule to extend no mere charitable relief to any able-bodied men, and to answer the plea of distress from want of employment, by furnishing employment themselves. During the last season they have continued the system of employing a number of settlers in breaking stones for the roads, and others less prepared to endure exposure to the climate, in picking oakum or making mats. As it was the object of the society to render the acceptance of their offer of work a test of real distress, these men were paid according to a scale framed, barely with a view to enable them to provide the necessaries of life, and made to vary with the number of persons dependant upon the labour of the individual; a man, with nine children under the age of labour, receiving 10*s*. and a single man 5*s*. a week. Spinning and knitting were also provided for the

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women. The necessity, however, in many cases, of assisting the labourer in the first instance, in clothing, with other circumstances, placed it out of the calculations of the society that they should receive any thing like an adequate return for their disbursements; the proportion of which, both to the work performed and the profits accruing, is hereafter stated.—THE third and last branch of expenditure has been, that of aiding the settlement of emigrants. A selection having been made from among the labourers in the society's employ, of men of good character and steady habits, and the necessary arrangements having been executed with Captain Chandler, seignior of Nicolet, and Mr. Jushereau Du Chenay, seignior of Fanpambault, with an appropriation of the average sum of 10*l.* for each of thirteen families at the former place, and the same average sum, with a deduction for the difference in the expense of transport, for each of six families at the latter, to be expended under the direction of committees, in tools, provisions, and other necessities. The society have thus put it into the power of large families to take their portion of the wilderness to be converted into a scene of culture and habitation; and to lay the foundation of comfort and independence for themselves and their posterity. It remains only, that the society profess once more their lively sense of obligation to your Lordship, and their disposition to engage with alacrity, under the auspices of your Lordship, in the repetition of their task, should they be chosen again as the channel for conveying that bounty of His Majesty's government, for which there is all appearance that the call will yet continue to be urgent."

" STATEMENT :

D ^r	1823	-	-	-	and	-	-	-	1824.	C ^r
TO Expenses in placing 13 families of Emigrants on lands, at 10 <i>l.</i> each family, at the seignory of Nicolet		£	s.	d.					By Amount placed at the disposal of the Emigrant Society of Quebec, from the bounty of His Majesty's Government; viz.	
		130	0	0						
To - ditto - six families, at Fanpambault		15	0	0					£750 sterling, equal to currency	833 6 8
To Disbursements in the relief of helpless indigent Emigrants		200	0	0					By value of Stone broken by Emigrants	103 10 5
Disbursements of the work committee		300	0	0					By value of Oakum picked, and Mats	58 13 0
Paid for passages of Emigrants forwarded to their friends in the interior of the country, and of widows and families who have returned to Ireland		68	0	0						
		713	0	0						
To Balance in favour of the Quebec Emigrant Society		282	10	1						
		£995	10	1						
										£995 10 1"

I would observe here, that it is of extreme importance with respect to emigration, that the emigrants should have enough to start them fairly in their new country; if not, they necessarily become a burthen to the community, and if the Committee were to examine Lord Dalhousie upon this subject, he would state his opinion of the necessity of affording some sort of actual local superintendence over this system of emigration. It has been adopted with respect to military settlers with the greatest possible advantage; it may in some degree increase the expense. I allude to the establishment of a sort of police superintendence, to take care that the people execute the purposes for which all this benefit has been conferred upon them, and therefore under those circumstances it would be necessary in any emigration from Ireland, that this point should be perfectly understood by the parties going out.

Are you aware that the price of the passage has been raised considerably, in consequence of the passing of the Act of the 4th of George the 4th, for regulating the carrying of passengers?—I imagine that imposing certain duties upon those who take the emigrants, necessarily involves more expense.

Was not that Act principally framed with respect to the carrying of passengers to New South Wales?—I think I can venture to say not; it did not proceed from the department to which I belong, and I am not acquainted with it in any other than a general point of view; but no application was ever made to the colonial department upon the subject.

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Are you aware that, by the eleventh clause, the owner of a vessel going from Ireland to America is required to carry a certain store of provisions, at a certain rate for each person, and that those provisions consist of bread and beef, pork, flour, &c. ?—Yes, I am aware of that, from having read the Act.

And that there are other regulations, that necessarily impose a considerable expense upon the owner of the ship ?—Yes.

Are you aware of any reasons that existed for interfering with this trade, to the extent that it has been interfered with, by this Act of Parliament ?—I am certainly aware that much practical inconvenience has resulted from the unregulated manner in which that transport of emigrants was carried on, but I cannot speak positively to the details of an Act with which I am only partially acquainted.

Has it ever occurred to you, that offices might be opened in Ireland, to give information to emigrants wishing to go out, with respect to Canada, which might also go to the extent of securing them a reception in Canada, and providing a location for them ?—I think it is extremely necessary that the two distinct characters of emigration should be kept separate ; I mean that sort of emigration which the government may direct, and to which the national money may be applied, for the purpose of relieving parts of Ireland where the population is considered to be redundant ; and regulations with respect to any voluntary emigrations, because probably those emigrants will be found to be of a very different character, and to include very different classes of persons ; and the same political reasons may not make it desirable to encourage the one so much as the other. Nothing would be more easy than to establish regular communications between committees appointed in Ireland and committees at Quebec, to regulate that species of voluntary emigration to which the minute I have just put in from the Quebec emigrant society especially alludes ; in fact the existence of the Quebec emigrant society shows at once that there is a body of persons who would be ready to communicate and to carry into effect any mutual arrangements of that nature.

Was not the subject of emigration taken up originally with the view of relieving English parishes ?—Not by the government ; but I had turned my attention as an individual to the subject, at a time when it was presumed that there was a redundant population in this country, in the same sense which I apply the expression to Ireland, and I beg leave to guard myself most cautiously against being supposed to mean that in any other sense the population is redundant, because I am perfectly satisfied that Ireland might contain six times the number of her present inhabitants, without involving necessarily the consequence of such a redundancy ; I apply the word in the sense that there is a disproportion of the supply of labour to the demand, the former being in too great abundance. I consider that the introduction of capital would have the most satisfactory tendency to absorb that redundancy, but that capital would be more conveniently introduced after the absorption of part of the redundant population, by the means of a well regulated emigration. I should wish to take this opportunity of adverting to the satisfaction which has been unequivocally expressed by the emigrants, at the change in their situation, and which appears in the strongest manner from the letters which they have addressed to their friends in Ireland.

Have you any of those letters in your possession ?—I should feel some hesitation in laying them before the Committee as public documents, as the letters are strictly private.

Has it ever occurred to you, that the efficiency of any advance or grant made by government, might be greatly extended by introducing the plan in Ireland, that individuals, for instance landlords, if they wished to promote the emigration of people off their estates, should contribute a part of the expense ?—I feel perfectly convinced that unless the landlords of Ireland are completely concurrent in such a measure, it could not by possibility produce any good effect ; on the other hand, those who are encouraged to emigrate, should be satisfied that the measure is specially intended for their benefit and interests, and not a mere system of removal under the authority of government. I do not however presume to offer any detailed opinion on this subject, upon which the Committee are so much more competent to judge than I can be. With reference to what was stated in the House of Commons last night, with respect to the subdivision of farms, I had a letter the other day from Ireland, respecting a farm of two hundred and seventy acres, that was let on a lease of lives at 200*l.* per annum, and that lease is now dependant upon the life of an old lady ; the property is valued at 300*l.* per annum, and on those 270 acres, there are now 100 families ; of course, instances of this sort must be continually occurring ;

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now in such a case as this, what is to be done with that 100 families, when the lease is out?—I should say that there would be a legitimate application of a system of emigration, and upon that point, I conceive the circumstances of this emigration will show there is a certain remedy, whether the expense which is necessary is worth while to be incurred, is another question, but I think it is clear there is a certain remedy.

Would there be any objection, as you have stated that 30,000*l.* is to be granted this session for the purpose of emigration, to trying the experiment in the first instance, of endeavouring to obtain emigrants, by making it a condition that there should be a private contribution of so many pounds a head, on condition of government paying the remaining expense?—I should certainly think it would be infinitely better not to couple the emigration of the present year with any regulation of that sort; I consider the emigration of the years 1823 and 1825, as strictly justifiable in the character of a national experiment. If the attention of the gentlemen of Ireland be turned to the incorporation of any local system in Ireland with this system; of course, the whole measure may be materially improved.

You state that this farm, on which there are now 100 families, will be worth 300*l.* a year; and you also stated, there were 100 families which would be to be removed?—I mean a proportion of them.

Do you think it could possibly answer the purpose of a landlord, at the expense of 20*l.* per individual, to relieve himself of those persons?—I should think most decidedly not.

Suppose he could remove them at 5*l.* each?—That is a question requiring so much local knowledge, that I would not presume to give an opinion.

You have stated the result of the experiment, as it took place in Canada; do you know at all any of the effects which it has produced in the part of Ireland from whence those persons were removed?—I have been distinctly informed, that positive practical good effect has resulted in the district in Ireland from which this very small emigration proceeded.

What was that district?—In the county of Cork; and I have heard it stated, that the turn which the subject of emigration gave to the public feeling, and the anxiety that the population had to avail themselves of it, has produced positive practical good; those who have local knowledge, will be likely to give better information.

Do you think that at the rate of 20*l.* a man, it would be possible for the government to send enough persons out of Ireland to have any material effect upon the superabundant population of the country?—I beg leave to state most cautiously, that in giving an answer to this question, I am only giving an individual opinion, and not in the slightest degree pretending to give the opinion of the government; perhaps I might even say, that my opinions may differ very materially from other persons who may have considered this question. I certainly am inclined to think, from all the information which I have been able to acquire, that there are districts in Ireland, in which the abstraction of 200,000 unemployed persons (and persons who, whatever may be their conduct in Ireland under their existing circumstances, would be likely to make very good emigrants) would be attended with the best possible results. I feel more satisfied myself of the possible advantages to be derived from the removal of such persons, than as to the question how far the expense, in a national point of view, can be justified; but I take the liberty of observing here, that the expense is by no means thrown away in a national point of view, because we must take into our consideration the improvement which the colonies are to derive from the presence of these persons, and from the cultivation of their waste lands, and the consequent general increase of national wealth which would be there produced, where especially no evil would result from any further increase of population.

You have stated, that the superabundance of population in Ireland is merely relative; do not you think that the applying the four millions, which it would cost to export those two hundred thousand persons, as capital in Ireland, would give them sufficient employment, so as not to make them superabundant population in Ireland?—If I am asked that question, I certainly am of opinion that greater advantages would, as I have already stated, take place from the introduction of capital, after a certain proportion of the population had been taken away; I do not at all mean to say, that I contemplate for a moment that all the redundant population, in the sense in which I employ that term, can be removed, but I think the removal of a part would give a greater effect to the introduction of capital. The question

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question is, how are you to employ this capital? I must presume, that capital would naturally flow into Ireland, if there was a chance of that capital producing a beneficial return; and therefore, till I am informed in what manner it is proposed to employ four millions, in the introduction of capital to put this population in employment, I can hardly be expected to give an answer to the question; and I again repeat, that I must presume, that if there was a conviction that capital could be beneficially employed, it would flow into Ireland without any operation on the part of government.

When you say, that the abstraction of a certain portion of this redundant population would be a good preparation for the employment of capital in Ireland; do you mean, that it would produce an increase of tranquillity, which would tend to encourage persons to send their capital into Ireland?—Entirely so; I mean, that those districts which now, I presume, to be in a state of disquiet from the superabundance of their population, would be partially tranquillized, and then the introduction of capital might absorb the whole redundant population, and the natural result of an employed population would ensue. It is necessary, in calculating the expense which has been alluded to, as compared with the wages of labour in Ireland, to take into consideration the advantages which are to arise to the country in a national point of view, from the removal of those emigrants. We have colonies requiring population, which feel every hour that it is the want of population that prevents their resources from coming into play, and which are ready to receive this particular class of population, which it is contemplated to send them; and I should imagine, that so far from the expense of that four millions being lost to the country, if traced accurately for a series of years, this capital would be found to have reproduced itself in the colonies in the most beneficial manner; it would unquestionably be a present outlay of capital, but ultimately there would be no loss incurred.

Have you ever endeavoured to ascertain, what is the proportion of the unemployed population of the country to the employed?—I certainly have heard, within a very few hours, an estimate made of the wages of labour; might not one infer the proportion between the employed and unemployed, from an examination as to the amount of wages of labour? what is it that furnishes the amount of the wages of labour, if it is not the proportion which the demand for labour bears to the supply.

Can you in any way form a conjecture as to the relative proportions of the employed and unemployed population?—I would say certainly not, except that it varies most materially in different districts.

Can you in any one district say what you consider the proportion to be?—I should not at the present moment be able to give that sort of answer which I should wish to give to the question, but I think I have data enough to give that answer.

Would it not be a very material ingredient, for the purpose you have mentioned, of seeing what number of persons should be withdrawn, to know either in the general or particular districts what is the proportion at this moment between the employed and unemployed; is not that a necessary foundation for the opinions you are forming?—I should presume the gentlemen acquainted with the southern districts in Ireland, would be competent to give an immediate answer to that question; I believe it is matter of notoriety, that much of this population are out of employ, or at least so partially employed as not to execute any degree of bonâ fide labour; and I imagine that this naturally arises from the little temptation there is to employment, from wages, or in other words from the disproportion of the supply of labour to the real demand.

Have you been able to ascertain what are the description of persons who have chiefly gone away in the emigrations that have taken place?—I have in my possession a letter from the superintendent in Canada, respecting the circumstances and the character of the emigration, and the manner of their being practically located; it is necessary to remark here, that it was said that this emigration was not limited to the poor; whereas in fact it was limited to persons utterly without any capital.

Are the persons who have emigrated of that description of persons who could not find employment at home?—The superintendent was directed specially to select such persons, and he is here to give more detailed information than I can give.

—Would not this money that is to be expended in carrying out of emigrants to Canada, be just as much a forced application of capital as if the money so devoted were to be employed in carrying on manufactures?—Undoubtedly.

If the capital was employed in manufactures, it would be reproductive, would it not, provided it was employed beneficially?—Unquestionably.

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As it is proposed to employ it, it is not totally thrown away?—I endeavoured to explain to the Committee that I conceived it to be impossible in a national sense, if you choose to consider the interest of your colonies as the interest of your empire, to incur an expense more beneficial, or with greater probability of reproduction, than to lay out four millions to locate men and to cultivate the waste lands of the provinces of Canada; I mean that the result of that cultivation would be in the highest degree productive, and if you look at ulterior results, would amply justify the measure in a mere financial point of view; although in the first instance it is necessarily attended with an outlay of capital. As to an estimate of the comparative advantage of employing capital in manufactures in Ireland, or employing it in transporting the redundant population to cultivate the waste lands of Canada, I have no means of giving a distinct answer, except that I presume if there was any probability of a beneficial result, that individuals would, without the assistance of the government, embark their capital, and absorb the population by employing them in Ireland.

Do you conceive there is rather an aversion on the part of individuals, to employ capital that might be beneficially vested in Ireland, that there is a kind of prejudice that could be overcome by government?—With respect to those districts of Ireland which might beneficially absorb the population, there must be an effect produced by the agitated state of those districts; and I am of opinion, that it goes much further than it ought to go, and I have no doubt it does; it does produce a great effect: but I have stated it as my opinion, that in those particular districts where capital might be most beneficially introduced, and where the remaining part of the population might be employed, the removal of a certain number of them by emigration would be a very valuable preliminary step.

Do not you think, that when any number of persons are removed from those particular districts, the vacuum created by their removal will be immediately filled up by labourers from other districts, who at present travel over to England for employment, going into those districts?—I would answer, that undoubtedly the effect of removing a portion of the population from a particular district would be to receive any redundancy from other districts; and therefore I do not, for one moment, mean to say, that emigration, carried on on a small scale, can produce any material effect; but I also beg leave to express an opinion, that unless this measure of emigration be coupled with local measures in Ireland, to prevent that tendency of the population to increase as it has done, that I conceive, though it would be a useful palliative, as a measure of ultimate benefit, it would be very much diminished in its effect; but it would be highly useful, as a measure concurrent with such measures as it is the province of this Committee specially to consider, and certainly the attention of the public and the government seem now most distinctly turned to the subject, and if this measure of emigration were coupled with that, it would produce the most satisfactory result.

Do not you think, the almost inevitable consequence of a greatly increased extent of population in Canada, would be the acceleration of that period at which Canada will be separated from this country, and become one of the United States?—As a matter of opinion, as an individual, I am entirely of a contrary opinion; I think that nothing would tend to produce a contrary effect, so much as an increase of that population.

How is that opinion reconcileable with the fact of several of the United States having become more and more attached to the constitution of the United States, and more alienated from England, during the American war; and more disposed to separation in proportion as they were more peopled, and less disposed to separation as they were more thinly peopled?—I should consider that that was coupling presumed cause and effect, which are not necessarily connected; I cannot attribute it to the mere extent of population; I cannot suppose, with regard to the province of Canada, that the increase of population by which they would be removed from a state in which they felt much distress, to a state where they felt comparative comfort, could be calculated to dispose them to a separation from the mother country, as long as they enjoyed those advantages.

Would they not be disposed, in proportion as they became more populous and more powerful, to rely rather on themselves than on this country, or any other?—That lets in a most important question, to which I should be very sorry to give any answer; I can only say, that I see no reason in principle, why a well-governed and well-administered colony is to desire a separation from the mother country; if it be the necessary tendency of a colony to do so, that is another question.

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Have you had any proposition laid before you, with a view to establishing a Steam Communication between Ireland and America, which might tend to facilitate the emigration of the Irish people to America?—A proposition was made to Lord Bathurst upon that subject; in answer to which his lordship expressed his disposition to encourage it, and his general approbation of the application of that system.

You conceive that if that experiment were tried, the facilities of emigration from the southern and western parts of Ireland would be considerably augmented?—I consider as a matter of course, that it must increase such facility, and particularly as being calculated to diminish the expenses of the passage.

The communications you have received from the emigrants in America have led you to apprehend that they are satisfied with their condition there?—Undoubtedly, at the last period at which we have received communications from that country.

From the communications you have received, are you aware, if the political state of those colonies, the system of government, and the administration of the laws there, have been such as to gratify the emigrants, and to make them feel an assurance of a tranquil and happy settlement in those colonies?—Undoubtedly, the uniform expression of satisfaction which has been received from the emigrants would, in fact, answer that question. There were local disturbances with respect to those Irish emigrants, but they passed away, and have led to no unpleasant results.

Have any observations been made in those communications, with respect to the state of the administration in the colonies, as far as relates to religion; with respect to religious distinctions, or the absence of religious distinctions?—Undoubtedly, observations have been made upon that subject, as contrasted with their position in Ireland.

Those observations have been made, expressing the satisfaction of the emigrants at being placed in a country where there are no religious distinctions?—The emigrants have undoubtedly expressed their sense of the contrast between their present position and their position in Ireland, in which, among other statements, reference has been made to the religious distinctions.

Then the Committee are to understand, that there are no distinctions of civil rights, in consequence of religion in that country?—No distinction of civil rights.

From the accounts you have received of the conduct of emigrants in Canada, it has been quite satisfactory?—On the whole, entirely so.

And you conceive that great benefit has arisen to the colony from the emigration from Ireland?—It would be impossible to say that, on so small a scale, great benefit has been experienced.

Has benefit been experienced to the extent to which it has been carried on?—I have reason to believe that it is felt in the colony, that that emigration has been beneficial, and has a tendency to be beneficial, and that it would be beneficially carried on to a greater extent.

Have you had any communication from the colony of New South Wales, with regard to the conduct and character of the Irish convicts in that place?—I believe, upon a former examination, I stated, with reference to a passage in Commissioner Bigge's report, the good conduct of the Irish convicts.

The statement you made was, that the convicts embarked in Ireland were found more obedient, and more sensible of kind treatment during the passage, than any other class; you have had no evidence subsequent to that, to alter the statement you made?—Certainly not.

Is the Catholic church more the established church in Lower Canada than the church of England is?—The Roman Catholic may be considered as a concurrent religion; it is an acknowledged and recognized religion there, and it does not lead to civil disfranchisement; but the Protestant religion is the religion by law established in Lower Canada, under the Quebec Act, the Act of 1791.

Is not the Roman Catholic religion provided for by an establishment from the state in Lower Canada?—Yes.

Is there any establishment for the Protestant religion?—Yes.

Then they are both on the same footing?—They are both provided for.

Is there any difference in the amount of provision?—The provision for the Protestant religion is a reservation of the land for the Protestant clergy; but in point of fact, the greater part of that property at present, owing to want of population, is not productive, and yields very little revenue.

In what mode is the Catholic establishment provided for?—Large grants of land, but not under the same Act; they existed previously.

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Is the portion of land set aside for the Catholic clergymen more productive than that set aside for the Protestant?—I should think it was decidedly so, because it has been longer in occupation.

There are no tithes paid to either?—No; throughout America there is a substitution of glebe.

Do not the Catholic clergy in Lower Canada receive some tax from the land in lieu of tithe?—Yes, they do.

Do the Protestant clergy also?—The provision for the Protestant clergy was a reservation of the seventh of all land granted after the period of the passing of the law; that is in fact the fund for the support of the Protestant clergy; but from the want of population there, the proceeds have been very small indeed.

Then the state of it is this, upon the accession of Lower Canada, the old establishment, which had been made for the Roman Catholics, was left with the Roman Catholics; and a future provision was made for the Protestant church, which was to be effected by reserving a certain portion of the land?—Yes.

Is not this plan, that is now in contemplation, of paying 30,000*l.* this year, for the purpose of emigration, to be considered altogether as an experiment?—As far as I may presume to express the opinions of the government, I consider it entirely in the light of an experiment; and that it is not likely to be carried on without some concurrence on the part of the Irish nation, in facilitating it, in which case it would be a question how far government would give assistance to it.

It is not the intention of government to persevere in an annual grant for free emigration?—No such intention is entertained or matured in any degree. A question was put to me by a right honourable Member of this Committee, with respect to the opinion I may entertain as to the relative number of the employed and unemployed poor in those districts of Ireland, where I conceived, from the information I have received, there was a redundant population, in the sense I affixed to the word; I wish to explain, that a direct answer to that question would not clear up the point, because it is not only the unemployed and the employed that are to be reckoned, but the partially employed; I am not merely alluding to persons in absolute idleness, but I am alluding to those persons for whose labour there is so little demand, and consequently who receive such low rate of wages, that they do not exercise the full quantum of labour that their physical strength would enable them to do. The wages of labour are lower in proportion to the redundancy; and the object I look to is this, the restoration of such a proportion between the demand for employment and the supply of it, as will enable the labourer to receive full and adequate wages. With reference to what I have said with respect to the introduction of capital, such introduction will be calculated to produce the same effect, but I conceive, from the information that has reached me, that capital alone would hardly accomplish it, without (in some instances) the previous removal of a portion of the population.

Mr. Peter Robinson called in, and examined.

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YOU were employed as superintendent of the emigration of last year, from Ireland?—I was.

Can you explain, shortly, to the Committee, the manner in which that was carried on with respect to collecting the emigrants and sending them from Ireland?—That is already set forth in my report, which will be laid before the Committee.

What description of persons did you take out?—I endeavoured to get small farmers who had been dispossessed of their lands, and particularly such persons as had been brought up in habits of agriculture.

Did you find a readiness in Ireland to enter into the scheme?—When I first made the terms public upon which the government would send settlers to Canada, they were received with a good deal of jealousy by the people, who seemed to consider it a plan of the government to get rid of them, rather than to relieve them, and this they expressed to me very freely. However, after some time, they were more ready to come forward; and upon their meeting with a few of their friends who had been in Canada, discharged soldiers and others, who could explain to them the situation of the country, and the certainty there was of their getting employment, and finding the information they got in this way to correspond with what I had already told them, they soon began to think more seriously of my proposals, and to come forward to accept of them. This feeling to emigrate spread rapidly, and I found no difficulty in getting any number I chose. The emigrants
I took

I took, were selected from the persons who were recommended to me by the principal noblemen and gentlemen of the country, as being absolutely paupers, and such as it was particularly desirous to get rid of.

Could you have procured many more emigrants, if you had had the means of carrying them out?—A vast many more, I am certain; as they came along side of the ship in numbers until the hour we sailed, and were always much disappointed at not being received.

What description of provisions were found in the vessels for them?—Beef, pork, oatmeal, cocoa, cheese, butter and biscuit, the usual provisions for seamen; and an allowance of tea and sugar for the women.

Were the emigrants satisfied at their situation when they arrived at the place of their destination?—Very much so, indeed. Fortunately, the autumn was unusually pleasant and free from rain, and they suffered less from exposure than could have been expected, or than they would have done earlier in season; and, arriving late, there were neither flies or musquitoes in the woods to annoy them. They were first encamped in the immediate neighbourhood of persons who had been placed on their lands three years before, and many of these their own countrymen, so that they had an opportunity of seeing how far advanced, and how comfortable they were, after three or four years residence in the country; and this seemed to encourage them very much. In justice to these poor people I should remark, that during the three months I was with them in the forest, there was neither constable or magistrate within twenty miles of us, and that they at all times shewed the greatest readiness to obey me in every thing; and I never met with people more grateful for any little acts of kindness.

Did it appear to you, that they would be able to provide for themselves after the first year was expired, during which they were supported by government?—They will be able to provide Indian corn and potatoes sufficient, and the latter supplies the place of oatmeal; and those who have an opportunity of working out during the harvest, may supply themselves with wheaten bread; of potatoes, they will have an abundance. The cow, given to them by the government, will also add much to their comfort.

Does it occur to you, that the expense could be in any way reduced, that was incurred last year?—No, it does not; except in the shipping, or a reduction on the price of provisions.

Was the shipping provided by the Navy Board?—It was.

Did the emigrants approve of the plan of provisioning them?—They made not the least objection to it, although many of the articles they had not been accustomed to, were not made use of by them; and they would, I think, have been better pleased with oatmeal, or what they had been more used to, in lieu of such; and it might be better for their health.

Would not the providing them with their customary food of oatmeal, potatoes, and other provision, have rendered the expense much less than it actually was?—I do not think it would lessen it much; for, on reference to the expense, it will be found that it hardly exceeds a shilling a day, upon the average, for each person.

Are you aware, that the regular stock of provisions that a voluntary emigrant lays in, consisting of potatoes, meal, butter and bacon, for 60 days, can be purchased, and is purchased for 30s.?—I am not aware of it sufficiently to say that it is so; I have heard it mentioned; although it may be, that a sufficient stock of provisions can be purchased for that sum, at the present prices, in Ireland.

And that, in point of fact, the voluntary emigrants, that obtain assistance through their friends, lay in their stock of provisions even at a much lower rate than that?—No, I am not aware of that.

In your letter to Mr. Horton, describing the passage out, you mentioned that there was arrow root provided for the children?—There was, as medical stores.

And there was cheese provided, and plum puddings, for the men?—The usual allowance to seamen.

Did the emigrants object to this provision, and refuse to eat it?—They invariably refused cheese on board of the ship I was; and it was some time before they could be prevailed upon to taste the cocoa.

Have you examined into the subject of the voluntary emigration from Ireland to America?—I have.

Does it occur to you that any facilities can be adopted, to render that more easy or more cheap than it is at present carried on?—I know of none so effectual as that

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of affording them assistance, by giving them provisions for the first year they are placed upon their lands. There is no difficulty in procuring the land, or in getting to it.

Are the communications that you are acquainted with, that have been made by the emigrants after arriving in America, to their friends in Ireland, expressive of contentment and satisfaction with the change of their condition?—They are very generally so.

In the commencement of this undertaking, whilst you were in Ireland, did you obtain any assistance from the Roman Catholic clergy in carrying the plan into effect?—I did, from several.

Was that assistance frankly and unreservedly given to you?—Quite so, both from Mr. O'Brien at Newmarket and Mr. Jones at Mallow.

Do you conceive that your plan was likely to have succeeded, if you had not met with that cordial co-operation on the part of the Roman Catholic clergy?—I should think not; the effect their influence might have had if exerted against me upon the minds of the people, who were still suspicious that all was not right, was evident; from the circumstance of my refusing a man who offered to emigrate from Farahy, (being a Protestant) the Catholics thought it a plan to entrap them only, and not one person came afterwards from Farahy, and but one from Kildorney, although before that I had many applicants from both places.

Was there any explanation given of your intentions, and the intentions of government, through the medium of the Roman Catholic clergy in the Roman Catholic chapels?—I was assured there was, both at Mallow and Newmarket.

You mentioned that the persons who in the first instance applied were farmers?—I did, both farmers and mechanics.

Did you get many persons of that description?—Many; in the south of Ireland almost every man may be called a farmer.

Were the persons that you got unemployed generally?—I endeavoured to get persons without employment, absolute paupers; and I was always assured by the gentlemen recommending them that they were such.

You mean persons who held no land at all?—Who held no land.

Did any considerable proportion of those who went consist of persons who were in habits of industry, or of persons who were employed at home?—The greater proportion had been partially employed at home, living on one acre or two acres, and among these were found weavers, blacksmiths, and other tradesmen who cultivated a few acres each.

Are the Committee to understand that a great proportion of those who went abroad were persons of industrious habits at home?—A great proportion were industrious and anxious to be employed.

They are no doubt a valuable accession to the colony; but do not you conceive that those persons were valuable and useful members of society at home?—If they were employed.

Did you understand that those persons had employment at home?—Only partially; those persons probably were employed during the harvest or the season for planting potatoes, but the remainder of the year they were strolling about unemployed.

How long is it since you have been in Canada?—I left Canada in February last.

Those people were located in June 1823?—In November 1823.

Have you seen any of them since the summer of 1824?—I left them last February; the surgeon who attended the settlers arrived a few days ago; he left them in November.

Can you state what progress had been made in clearing ground, and in procuring supplies for themselves?—Some of those who had boys to assist them had last summer ten acres cleared and in crop, and the remainder had on an average four acres; this Mr. Reade the surgeon has assured me.

Were the four acres completely cleared?—As completely cleared as is usual in a new country; not the stumps taken out, but sufficiently cleared to produce a crop.

Was there every probability of their being able to produce a sufficiency to maintain themselves and their families?—I should think there was no doubt of it.

Some of those who emigrated were persons who occupied a small portion of land, an acre or half an acre?—Many of them did.

How did they dispose of their land when they emigrated?—It was common to find two or three families living in a cabin, and one of these I understood generally sold his share of the crop to the others.

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Do you think that in any cases they sold to other persons the small bit of land which they occupied?—In a few instances, probably, they may have sold their right to a garden, as it is called, merely a potatoe garden.

Should you say that the class of persons who emigrated were the most industrious and the most intelligent, or the least so, of those that you saw in the country?—The lower class in Ireland are very much alike in their habits and intelligence; I found them much more intelligent than I expected; most of them could write and calculate their allowance of rations to the eighth part of an ounce; in that way they were quite intelligent.

Were there any mechanics among them?—There were many.

Have you been in Ireland since your return from Canada?—I have.

Have you taken any steps to forward the emigration of this year?—I have.

Have you made any promises to any persons to take them?—I have, to sixteen hundred persons.

Are the Committee to understand that they have disposed of any property they might have, upon a full understanding that they are to go?—Unquestionably; I have no doubt they have.

During your residence in Canada, did you ever hear the subject of religious differences mentioned by the emigrants?—It was frequently spoken of.

Do you conceive that the absence of religious differences in Canada tends to make them more happy and satisfied with their lot than in their own country?—I am very certain it does.

Of what religious persuasion were the persons you took out?—In the 568, I think there were but ten Protestants; the remainder were Roman Catholics.

Were those people obedient and well-conducted upon their passage?—Quite so, on board the ship I was.

Has there been any disturbance among them since they were settled in Canada?—There was, since I left them. On the 23d of April last, the militia were called out to a general muster or training, and among the rest the Irish settlers. This meeting unfortunately took place near an inn, kept by a man named Morris, who previously had rendered himself obnoxious to the settlers; and in consequence of some expressions made use of by the old settlers, who were jealous that those men from the south of Ireland, who, they said, had done nothing to entitle themselves to any bounty from the government, further than keeping their own country disturbed, should be more liberally dealt with than they had been. A breach of the peace ensued; shortly after a warrant was issued to apprehend the persons who had committed the assault; and the constables, instead of going to the proper dwellings of these people, very unwisely went to the depôt, the morning after St. Patrick, where a crowd of the emigrants were assembled in the yard. The constables proceeded to execute their warrant. However, when they were assured that resistance would be made, and were advised by the most sober not to attempt enforcing their authority, they returned, giving a very exaggerated account of the affair. Upon this the magistrates took the alarm, and sent a stronger force to compel the execution of their orders; and the consequence, I regret to say, was the sacrifice of the life of one of the settlers. That these poor people were hardly dealt with, and most injudiciously, I am assured of by the very best authority; and I am informed, by a letter from Major Hillin, secretary to the governor of Upper Canada, that, at the strong recommendation of both judge and jury, the fine imposed upon the offenders was remitted; and that good feeling and perfect tranquillity were restored.

How are they off for clothes?—They were badly off, being so very poor.

Were they supplied with clothes from the government stores?—Only with blankets, and some bedding.

How far up the country were these people located?—Above 300 miles above Quebec.

Do you not think a great deal of inconvenience will arise hereafter, from the difficulty of supplying them with clothing?—I think not; they can find sale for their ashes readily. Even last autumn I found some of them with strong trowsers, which they had purchased with the produce of their ashes; and they can occasionally work as labourers during harvest.

Have you ever heard the settlers allude to the religious distinctions which they laboured under at home?—I was not in the habit of conversing with them on such subjects; but I saw that in their letters to their friends they invariably made mention of it. I avoided particularly saying any thing about the difference of religion.

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You never heard them speak on the subject?—I have heard them express their great happiness in being in a country where they were perfectly free from any religious distinctions.

You never heard them particularly allude to the distinctions which affect them in their own country?—I often overheard them talking about those distinctions.

Did they ever allude to them in a particular manner?—Very much so in their letters.

Do you at present recollect the contents of any of those letters?—No, I do not ; but I am quite certain that there were very few written that did not express, more or less, some opinion upon religious subjects ; and also their comfortable situation, from living in a country without paying tithes, or having any religious distinction.

Is there any religious establishment for those settlers?—There are, in the immediate neighbourhood, two Catholic priests established.

Towards which they pay nothing?—It is impossible for me to say what arrangements the Catholic priests have entered into with these people. I think they must contribute, in some degree, to their support, as they are not provided for by government in Upper Canada.

Is not there a portion of the land set apart for that purpose?—One-seventh for the support of the Protestant clergy.

That is, for the clergy of the Catholic church?—No, for the Protestant.

What is the established church?—Protestant.

Do the settlers pay a rent for the land?—After being in possession of their land five years, they pay a quit rent of two pence an acre, redeemable at twenty years purchase.

So that the satisfaction they expressed was not at finding themselves in a country where the Catholic was as the established religion, but in a country where there were no distinctions on account of a difference of religious opinion?—Quite so.

In Upper Canada, the Protestant religion is established ; in Lower Canada, the Roman Catholic?—Yes ; in Upper Canada the revenue arising from the appropriation of one-seventh of the land is applied entirely for the support of a Protestant clergy ; and the people are generally Protestant. In Lower Canada, both the Catholic and Protestant clergy are provided for, but the Catholic religion is the prevailing one ; and the Catholic clergy have, I believe, the same claims upon the landed estates and other property they had at the time Quebec was conquered by the British, although some alteration has taken place in the mode of collecting their dues.

Those emigrants you speak of have gone to Upper Canada?—They did.

But although they went to a country where the Protestant religion was established, still they felt a difference between the restrictions they were under in their own country, and the freedom they enjoy there?—Yes ; and as I have stated, frequently express this.

Do you mean that in Lower Canada there is a provision for the Catholic clergy, but not for the Protestant?—A very ample one for the Catholic clergy.

Is there not a provision for the Protestant?—Yes ; but at present it is not very productive, as the one-seventh of the land set apart did not take place until after the conquest of Canada.

Then in fact the Catholic church is not more the established religion in Lower Canada than the church of England?—Not more so, it is the prevailing religion.

Are you acquainted with the condition of emigrants from other parts of Ireland to Canada?—I am.

Are you aware that there is a very great annual emigration from the North of Ireland?—There is, I know.

Will you tell the Committee the condition of those emigrants at present?—They are in general getting on remarkably well in Upper Canada ; there are three or four townships, Cavan, Monaghan, and others, which are entirely settled by emigrants from the north of Ireland ; and they are very flourishing settlements.

Those emigrants were chiefly Protestants?—I believe they were.

Can you state whether they carry any of their religious feelings into that part of the country, whether there are any establishments there, by which Protestants separate themselves from Catholics?—Occasionally I have heard of such.

Would you say that, generally speaking, it is the case among the Protestants who have emigrated from the North?—In the townships where the settlers are exclusively Protestant and Irish, although I have heard of violent conduct on the part of a few individuals,

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individuals, and that is sufficient at times to bring the whole settlement into trouble.

In what way did you hear of it?—It came forward in the shape of a petition to the House of Assembly, from the Catholics, to prevent Orange processions on the forming of Orange lodges or meetings.

Was that the first disturbance you heard of, that which commenced with the Orange lodge?—That was the first I heard of it.

Is it considered there that the orange attack the catholics, or the catholics attack the orange-men?—That I cannot decide.

Whatever ill blood there is, is mutual, and not on one side only?—Quite so, I am convinced.

Do you think that feeling is wearing away?—There is no question that it is wearing away; and will subside altogether.

Was it ever very serious?—Never; the great majority of the old settlers are unacquainted with that sort of feeling; and never will be brought to support either party.

In Upper Canada there is a considerable mixture of protestant and catholic Irish?—There is.

Do the voluntary emigrants experience much difficulty after they arrive in Canada, before they can get either employment or settlement?—That depends of course entirely upon what means they have. If they can get to Upper Canada, there is no difficulty in procuring land to settle on; nor any forms to go through that a settler cannot easily manage.

Are there any fees to be paid?—The only fee is 5s. upon presenting the petition.

Do they obtain land without paying fees?—They get an order of council for a lot of land, which puts them in possession, and the fees may be paid two or three or five years afterwards.

Do you know the amount of fees?—The fees on an hundred acres will be something like 8l.

Do many voluntary emigrants arrive without having much means, or any means?—A great many.

What becomes of them?—They remain in Quebec during the summer season, where they are employed in loading and unloading ships, and about the harbour. They occasionally find their way up to Montreal, and to Kingstown and York, and there they are sure to find work during harvest; in the winter season they suffer a good deal.

Is there a considerable demand for labour there?—The demand is very considerable there, as well as at Quebec; but by the 1st of October, this in a great measure ceases at Quebec.

What is the rate, paid by the day, for a man's labour?—In Quebec, 3s. I should think.

What is the expense of living for a common labourer?—About 8s. a week.

Is there not a considerable demand for labourers for the timber cutting?—Very great; but persons who emigrate, for the first year are not sufficiently acquainted with the use of the axe to make themselves useful for that labour.

Would there be a demand for a very considerable number of mere common labourers, who could not take any means with them, if they thought proper to go?—I think not.

What is the distance from Quebec to the part in which you have settled those emigrants in?—About 300 miles.

Which is the road that you travel?—From Quebec to Montreal; from thence to L'Achine, and then following the St. Lawrence to Prescott; we there leave the river, and proceed across the country sixty miles, to Ramsay, in the district of Bathurst.

Do you think the colony would be materially benefited by the arrival of a great number of those emigrants from Ireland?—That I can answer very easily, from the knowledge I have of the country; and I think it would.

To the full amount in time of the expense of sending them out?—I think so, quite.

You said, that the demand for labour at Quebec ceases in October?—I think in October.

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In what does that demand exist; to what labour does it apply?—There are annually from six to 700 ships arriving at Quebec, and the greater number of those return loaded with staves, deal, and square timber, and many people are employed in loading it.

At what season does that demand commence?—In June.

Then from June till October there is a considerable demand for labour?—There is.

When the navigation closes, that demand ceases altogether?—It does; and that produces so much misery among the emigrants at Quebec. They stay there as long as they can earn a shilling, which is spent generally as fast as they get it; and on the approach of winter, they find themselves without employment or the means of living.

Are the large forests a great way from the place where these emigrants first arrive?—They are.

The first port they land at is Quebec?—It is the first in Canada.

How far must they go before they can be employed in that way?—A hundred miles at least, if to cut timber.

The country is all cleared up to that?—It is partially cleared.

No very extensive employment would take place in clearing lands nearer than a hundred miles from the place of landing?—I think not.

Are the Irish emigrants generally very miserable when they arrive there, and for some time in a state of destitution?—The voluntary emigrants suffer much, particularly those with large families.

So that it is a horrid sight to see them land?—Very distressing.

What becomes of the people when they are in a state of wretchedness?—The Emigrant Society at Quebec has relieved a vast number, and assisted them in getting to Upper Canada.

Then the next year they become absorbed in the population of the colonies?—They do, after two or three years spent in working for the old settlers.

Are they received with dislike and jealousy by the inhabitants or workmen?—In general the inhabitants are rather disposed to receive the emigrants in a friendly way.

In point of fact, does any considerable loss by death take place in consequence of this misery?—Not many.

[The following letters were delivered in, and read:]

“ To the Council of the Chamber of Commerce, Dublin.

“ Gentlemen,

“ Londonderry, March 9th, 1824.

“ By the late Passenger Act, it seems that either a very great mistake has been made, or that His Majesty's government intend to turn the emigration from our own colonies, and from being carried on in British ships, to that of American shipping, and to the United States; for although the Act refers to foreign vessels, yet the same responsibility will not be felt by the owner or captain, as our laws would not be regarded on the arrival of the ship at a port in the United States, should any violation of the law occur, nor would the American ship suffer herself to be examined or molested on the high seas; and besides, by placing the emigration and expense on the same footing to the United States as to the British colonies, the whole would be turned to the former. By the 8th section, the captain is bound to land the passengers, if alive, at the port contracted for, without any proviso in case of wreck or loss of ship; in which case I would suggest, that the captain should not be obliged to go to a greater expense in forwarding the passengers, than the amount of passage money actually paid. By the 11th section, the provisions specified will bring the cost of passage, in many instances, beyond the means of the description of emigrants who generally go, and will act in a great degree as a complete prohibition; besides, it is generally well known, that from Ireland in particular, the passengers in all cases prefer laying in their own provisions, and that of a quality more agreeable to their tastes and means, than that enumerated in the 11th section of the Act. The general rate of passage from Londonderry to Quebec, for some years past, has been from 40s. to 60s. for adults, they finding their own provision, the ship providing birthing, water, fuel; but under the present Act, no ship could carry them and comply with the unnecessary clauses for less than six to seven pounds sterling. The provisions emigrants from Ireland generally take, and which, in most cases, they have within themselves,

themselves, is potatoes, oatmeal and oat bread, bacon, eggs, butter and molasses ;
 say - - - 224 lbs. potatoes, 7 lbs. molasses,
 60 lbs. oatmeal and oat bread, 7 lbs. butter,
 20 lbs. bacon, 10 dozen eggs ;

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the cost or value of which is about 30s. ; that would not be felt, as the emigrant generally possesses most of those articles, and has not to go to market for them.

“ I beg to remark, that in most cases the emigrants lay in an excess of provisions ; but to guard against chance, it would be very easy to have a specification of what would be considered a proper supply ; and that before any passenger was received on board, or the ship cleared out, let the provisions be inspected, and the emigrant make oath to the contents, he having the option to feed himself or not.

“ The clause respecting the surgeon and medicine chest is quite superfluous, and if complied with, would increase a very unnecessary expense. The passage to British America is so short and healthy, that little beyond cleanliness and purgatives are necessary : A surgeon might be carried where the number of passengers exceeded 100, although, from personal experience, I consider him unnecessary.

“ From Londonderry, the emigration has exceeded that of any other port ; and I do not know, and in fact I am certain, that not one solitary instance has occurred where the emigrants were not satisfied and properly treated, as far as practicable in such cases ; and had the officers of His Majesty’s customs attended to the provisions of the late repealed Acts, no abuse could have taken place, like that which occurred at Dublin last year, in the case of the brig William, and which no doubt gave rise to the present complicated and injurious Act to the British shipping interest, and which will take from them, and throw into the hands of the Americans, a considerable profit to their voyage, besides turning the emigration from British America to the United States.

“ I therefore beg to call your attention, and humbly presume to request you to represent to His Majesty’s government, the hardships and imperfections of the present Act, and cause such early modifications to be made as will relieve the many poor families who may be preparing to emigrate, but who cannot accomplish same under the present system. Should you wish it, I would be most happy to personally attend, and answer any questions, and give any further information that might be thought useful.

“ I have the honour to be, Gentlemen,

“ Your most obedient Servant,

“ A. C. Buchanan.”

“ To the Right Honourable and Honourable the Lords of His Majesty’s Treasury.

“ We, the undersigned Merchants and Ship-owners of the Port of Dublin, engaged in trade to North America, beg leave to direct the attention of your Lordships to an Act passed in the last Session of Parliament, for the regulation of passenger vessels to the British Colonies ; which Act, however suitable it may prove to the state of Great Britain, experience teaches us, is totally unfit for the wants and manners of the Irish emigrants ; and there is so much ambiguity in the different clauses, that we are compelled to request your Lordships will direct some practical person, acquainted with emigration from Ireland, to draft a Bill for the consideration of Parliament this Session, and thus remove the numerous complaints against the present Act.

“ John Astle,

John Martin & Son,

G. W. & T. H. Sneyd,

W. Curry & Son,

James Gray,

George M^c Bride,

Isaac Todhunter,

John Baker,

Richard Purdy,

Tho^r Cleriston,

A. Journeaux,

Joseph Wilson, Son & Co.”

The

*The
Right Hon.
Denis Browne.*

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The Right Hon. Denis Browne, a Member, examined.

IN what state are the lower orders of the people, in the district of country with which you are best acquainted?—The part I am best acquainted with is the province of Connaught, and the state of that part is perfect tranquillity. I never knew more tranquillity than exists there; at the same time that I must say, there is a sort of violent agitation of mind, that I never saw equalled in that country; that I think a great deal more dangerous than any night walkings, or any of that folly and nonsense that went under the name of ribbon-men and white-boys, &c. &c.

What is the state of the people, with regard to their circumstances as to provisions?—I never knew the finances of the country in such a flourishing state as they are now; the crop was double, I think, what it had been; and the price of some articles is three times what it had been. Ireland, in general, flourishes only in war, like the salamander in fire; but that country I never saw so flourishing any year of war as when I left it about six weeks ago.

Are the labouring people employed?—I think they are; I think, in general, there is employment; but there is a great deficiency in that respect; we have not always employment for them; we have generally employment at very low wages.

What is the rate of wages?—The rate of wages I conceive to be low in the country; I should think, about harvest and spring, at sixpence a day.

What particular part of the country do you at present speak of?—I can speak of the county of Mayo and the county of Galway.

Do the labourers receive any other recompence for their labour, besides the sixpence a day you have just mentioned?—In spring and harvest they do; they are fed always; if I were to employ them, I would not feed them; it is only when they are employed by their equals.

Are the persons that receive sixpence a day, free labourers or cottier labourers?—I think, in general, free labourers; the higher ranks have given up the cottier system as highly improper; but among the little noblesse, it is not exactly so, they do not give up that right.

You have said, that a great deal of agitation prevails?—I do certainly; a most dangerous agitation, and a most dangerous feeling; a great alteration has taken place indeed.

Among what class of persons?—Among all classes of Roman Catholics in the country, high, middling classes, and lower classes.

What do you consider to be the causes of this feeling?—The cause is the jealousy and disinclination there must always be, when the majority of the people are barred by religious or other distinctions from civil rights; I think that country never will be a secure ally, or a secure possession of this, until all distinctions, on account of religious belief, are done away.

Has that feeling been of late stronger than usual, and more general?—A great deal more so than ever I saw it; and I will tell the Committee how I happened to know that; there were a great many people about me that were very confidential friends of mine; I used sometimes, when the Roman Catholics were very violent, to employ those people in allaying those feelings, and advising them, through confidential friends of mine, to desist, for that by violence they would do nothing; and that there were only two ways of getting any thing from this country, either by negotiation or by force; that force I thought it would be of no use to try, and that it would be a very bad bargain to make the country a land of skulls for such an object as that; and that I advised them to get it quietly, or not to think of it at all; and I thought they would get it quietly if their conduct deserved it; but I have found, that those people who were in my confidence, and who acted with me, and whose existence depended upon me, were changed in their feelings, and that they were partaking of the highest feelings of Roman Catholics; and I find the whole body of the population are joined heart and hand with this Catholic Association.

Do you allude to the very lowest classes of people?—I allude to the lowest classes as far as they can understand it; and the better classes particularly.

To what extent do the lower classes understand this?—They know no more what they are to gain by it, than I know of any thing that is most out of the reach of my knowledge; but they have an idea that they are to gain something; those people that stir them up, as far as they can to mischief, tell them they will get advantages. I recollect one time, that when they got the right of voting at elections, when I came into

into the country, people told me, Sir, we are happy now we are to get freeholds; I said you are all to get the right of voting from freeholds, but nothing else; they all mistook it.

Is it a common notion among them, that they exist in a condition of inferiority with respect to other classes of the people?—No manner of doubt they do; I observe always, in speaking of a Protestant, they call him *Mr.* if they spoke of a Protestant of their own sort or condition, they say *Mr. Parnell*, or any thing else.

How do they call those of their own religion?—By their own names; a gentleman of their own religion, they call him by his Christian name and surname, but a Protestant is *Mr.* always.

Is the Protestant of precisely the same class, whom they call *Mr.* as the Catholic whom they call by his common appellation?—Exactly of the same class as themselves, peasantry of the country, living in thatched houses.

Is that *Mr.* meant as a term of respect, or is it meant contumeliously?—Not at all contumeliously; if a man comes to me to complain, as a magistrate, he would say *Mr.* such a person beat me, it is a mark of distance, and a mark of difference; it is a matter of very little consequence.

To what cause do you attribute the agitations you have spoken of?—I attribute them very much to papers that have come down from that Catholic Association every week, four times a week, or sometimes more; there comes down every sort of incitements and incentives to mischief and to rebellion, and to every thing bad, and every vice, in order to stir up the country; but the foundation of all this is the question itself, which, until you remove, all the things that happen will only be workings on it, and proceeding from it, and till you remove it, there is no state of security in that country. I have often told them so; the government know well what my feelings are upon such subjects. I know well this, that while ever it exists as it is, Ireland will in time of war make diversion for the common enemy, as she did in the last war; and that you can look upon nothing as secure in that country, while you allow that country to remain as it is.

What, in your opinion, would be the effect of removing those distinctions, which you state to be the cause of the present state of Ireland?—I know it would be doing the greatest good; but what I would put with it, would be a provision for the Catholic clergy, and without that provision, I consider it would be fitting out a ship well, without a helm to guide it.

Do you think that the general disposition of the people is of such a character, that they would then become amenable to law, and live in a state of tranquillity?—I do believe, that if they felt that they were equal to their neighbours, if they did not feel themselves as slaves and Helots in the country, that if they saw they were noticed and known like others, I do believe that in time all those sharp feelings would wear away; and I do believe, that if the clergy were paid, that the clergy would preach peace and quietness, and the clergy would become, instead of what they are now, the secret enemies of government, the friends of that government that paid them.

What is your opinion generally, of the characters of the lower orders of the people, as to their disposition to obey the laws?—They are apt to riot and fight at a fair, and I believe they are like their neighbours in this respect; they have a great deal of idle time upon their hands, and a great deal of spirituous liquors to drink, and the consequence of that is natural.

Is not there a disposition to obey the law, and submit to a fair and equitable administration of justice?—I cannot say that there is any particular over-anxiety for that.

If a provision was made for the clergy, have you any reason to apprehend that they would lose their influence over their flocks?—No, I am sure they would not; the consequence would be, that their flocks would not pay them. The paymaster and the penitent, as they are now, are the same person; the priest has the care of the conscience, and the penitent has the care of the purse, so that the religion must be made an auxiliary to mischief. I do not think there can be a more pernicious, dangerous, and inconsistent system.

Have any instances come to your knowledge, in which the Catholic clergy have taken any part in promoting discontent, and exciting the people to resist the government?—A great deal. I do believe there is not a parish in the county in which I live, that the clergy are not inducing, as far as ever they can, the people to maintain the present quiet, with a view to future mischief. There was a priest lived

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near my house, of the name of Ward; I heard, that he preached from his altar in the presence of an officer who was a Roman Catholic, and I sent it to government, and the sermon was this; he told them to be quiet, and not to go about knocking their heads against the wall, and doing no good in the world, and doing nothing but mischief; that nothing could be the consequence of that, but the discomfiture that they always had; that if they were quiet, and would follow their leaders and their guides, they would lead them to liberty; and we will lead you, said he, to the recovery of those lands that were taken from you formerly by soldiers and marauders.

In your opinion, the influence of the clergy would be given in support of the laws and the government, if the political disabilities under which the Roman Catholics labour were removed?—Not that alone; but if besides that, the government paid their salaries; I am sure the one would not do without the other.

Do you think it would be possible to pay them without removing the disabilities from the laity?—No, they would be afraid of that.

Would they feel that they could accept that benefit, unless the other was done also?—I believe they would accept it; they would be very sorry for being obliged not to take it, but they would be afraid to take it.

Do you know that the proposition has ever been made to them?—There was some negociation with Lord Londonderry, of which I have some recollection, but I believe no such proposal was made; but you would be obliged to have two or three more keepers at the door of the treasury, they would receive it so fast. At present, they are not paid so well as a man who drives a mail; I have been very often a sort of umpire between a priest and his heirs, and an executor of priests, and different things, and I never found among them but one rich priest, and this he had made by his own accumulation and industry; but in general, they have nothing but what barely keeps body and soul together. I know one that robbed some old women in Spain; and another, that by avarice and different ways, accumulated money.

Do you know in what way Catholic priests are paid?—I do; at Easter they are paid 2s. at Christmas they are paid 2s. that is 4s.; and they get for a marriage, I think, according to the circumstances of the people; sometimes half-a-guinea, and sometimes 15s. never less than half-a-guinea; and there are generally a number of people go to the wedding, gentlemen go to the wedding, and they give more or less to the priest; and that is a very good thing.

You say he receives 2s. at Easter, and 2s. at Christmas; is that 2s. from each individual, or 2s. from each family?—Upon my word I believe it is from each family.

Do you know how many persons there are resident in the parish in which you live in Ireland?—I think the population of the whole country is about 300,000; and I think the population of the barony in which I live to be about one-ninth part of that.

Supposing the population of your parish to be 6,000, which would make, upon an average, 1,000 families; according to your statement, that 1,000 families would produce 4,000 shillings a year, that would be 200l. a year?—Yes; but there are about four working priests for that.

The burials and marriages and christenings in that parish, must also produce a considerable sum?—There is always a great disinclination in the people to give the men any thing.

Have you any idea what it would produce?—I cannot tell; I do not think that the priests have, upon the average, in the country in which I live, 100l. per year; the inferior priests, I suppose, 30 or 35, or 50, in a great parish.

Are you aware of another very important sort of income, which they call “stations?”—I know what a station is; but I am not aware of any income from it; the station is a house which is fixed on for the purpose of holding a confession; there he goes, and generally it is some man he has a spite to, and he goes to his house to hold what is called a “station,” and he makes it as expensive and troublesome as he can, and there he hears confessions; but that is paid for at Christmas and Easter.

Is it the practice in your county to pay for those confessions at the time?—No; they send them out for their dues.

Can you state that that is not the practice in other parts of Ireland?—Upon my word I do not know; I believe not.

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Do you think that you could be secure of the loyalty and attachment of the priests to the government of the country, merely by paying them?—Upon my word I do; I do not think that any circumstance in the religion would make them otherwise; and taking a little view of the character of the clergy, of all kingdoms and all times, I take somewhat of my opinion from that; but, however, I take it from another circumstance, the presbyterians of the north of Ireland, they were marching side by side with the patriots against His Majesty's troops; and some little alarm they got, in consequence of some of the conversation that happened there, made a temporary separation; but my Lord Londonderry, in order to make the separation effectual, gave what is called a *regium donum* to the presbyterian clergy, and from that moment there never was disaffection among the presbyterians; and the clergy, that were the greatest preachers of mischief, left off all that, and it all turned into harmony.

Do not you think it would be an additional motive to secure the loyalty of the priests, if the government retained always the nomination to the highest dignities of the church?—I think it would be the best thing in the world; but I think if they had the key of the treasury, that would do.

Do you think that alone, without having a veto upon all appointments by the Pope, will be a sufficient security?—I think it will.

Did you ever turn in your mind the amount of payment that you thought it would be proper to offer to the Catholic priests in Ireland?—I have; I thought a parish priest ought to have from 70*l.* to a 100*l.* and the coadjutor from 35*l.* to 50*l.*; a Catholic Bishop perhaps 400*l.* and the four Archbishops, a 1,000*l.* each; that is my rule, and with that I will engage, you will have such sermons of loyalty, such attachment preached to the State, they would be so loyal, that their hair would stand on end if they heard what I heard in the House of Commons last night; they would die upon the spot.

Do you think the contrast between the payment you would offer to the Catholic priests, and the stipend of the established clergy, would produce no discontent or unpleasant comparison?—Then the calculation would be all in favour of the establishment; the people are ready enough to do any mischief that the priests desire them, but as to paying them, they dislike that exceedingly; if they found they were paid by the State, they would not give them one single farthing, not for all the exhortation in the world, and the consequence would be, that the priests would neglect them, and I should hope there would be a sort of coolness in time, that would produce very good consequences.

Is the number of the Catholic priests in Ireland about the same as the number of clergymen in the establishment?—A great deal more; where there are two Protestant clergymen there are six priests, because there is not a cabin in the country that does not call for the priest; the Protestant clergymen have a few, and I am happy to say that that few are encreasing, but the Roman Catholic priest must be ready night and day; he must be ready to get up at night, and he must be all day and night riding among the people of the parish, for they are very superstitious, and very easily alarmed about themselves, and if they have any sickness, they send for their priest.

You think a payment to the Catholic priests should be a part of Catholic emancipation?—I would not give a sixpence for it without.

Is there any other measure that you contemplate as a part of Catholic emancipation?—An idle head is the devil's garret; if you could get a manufacture into the country, which I should hope will creep into the country, now cotton manufactures particularly, I expect it would employ a great deal of people, and do a great deal of good.

Did it ever occur to you, that it would be desirable to make the abolition of the forty-shilling freeholders a part of Catholic emancipation?—A great part of the interest of my family depends upon forty-shilling freeholds of the Catholic persuasion, so that you could not apply to any person who would be less likely to give you fair information upon that subject; but if you can prevail upon the forty-shilling freeholders in England, and upon the forty-shilling freeholders in the north of Ireland, who are a very sturdy race of men; if you can prevail upon them, you can do it with the Roman Catholics, but most undoubtedly it must be a general measure; if the object is a free and fair election; if the object is, that a man should represent the fair sense of the county, undoubtedly the forty-shilling freehold system is entirely against that; it is this forty-shilling freehold system that gives the Protestant ascendancy

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ascendancy in the country, because there is my Lord he has three thousand registered freeholders upon his estate, and so have many others; they go with the Protestant landlord, and they extinguish the Roman Catholic interest, consisting of middle men and farmers.

What is your opinion of the effect of the Registry Act?—I think the effect of the Registry Act is certainly to bring forward the people that are to vote every seven years, into the view of those that are interested in it, and thereby it may be some check upon them; but the present election laws are all for the encouragement of fictitious votes, because they give no power of examining at all; any man that is registered must vote; and as to going to a petition afterwards, that is quite out of the question; we can hardly stand the expence of an election, much less of a petition.

What do you suppose would be the effect upon three thousand forty-shilling freeholders, if the priests were to order them to vote against the interest of their landlord?—It is only where they are broken landlords, where they are absentee landlords, that it has any effect; but as to its having any effect where that landlord is resident, it would not be permitted at all; I should not have the least fear of it; I am sure there is no person in the world they are so much against as me, and there is not one of my constituents that has not a placard against me every week; at the same time I have not the least fear about them.

Do you not think, that the influence of the Roman Catholic Association, through the medium of the priests, could prevail upon the Roman Catholic tenantry to vote even against their resident landlords?—I do not think so, except a vagabond, or some man that was careless of his situation, or careless of his country. There is a sort of spirit of honour about it. A man gets a freehold, and registers it, and there is a sort of *esprit de corps* about voting with his estate; besides, the priests must do it very discreetly, because the Protestants, if they get a scent of the priests influencing them, would go and bring them all down against them.

Are not, in point of fact, the small freeholders so much under the influence and in the power of the landlords, that they dare not act against them?—I think they are: I think they would be very daring to do so, because they owe us generally double what they have to pay us.

Is it not the fact, that Irish landlords are not in the habit of leasing out their bog to their tenants in Ireland, particularly those landlords who are desirous of making a large political interest?—I think not. I do not believe they do lease bogs, because no one would take them; but they have too much bog. I do not believe that such a thing was ever done, as to say, you shall not cut turf for your consumption, because you voted so and so at the election. I know I should not sanction any one that did such a thing for me, and it would be considered a very hard measure.

When you are speaking of the influence of the priests against the landlords in Ireland, do you confine your observations to your own county?—I certainly know my own county best.

Have you heard of the late contested elections in the county of Dublin and Sligo?—I have.

Was not it publicly notorious, and uncontradicted by every gentleman who engaged in it, that the priests led the tenantry, to a man, against their landlords?—No, I know it was not so. I know they led the tenants of some ruined men, and of some absent men and women; but the great body of the freeholders of the county they no more led than I did.

Supposing that there was a contest, in which the priest was arrayed against the landlord, do not you think it most probable, that the influence of the priests upon such a body of tenantry as 3,000, which you have mentioned as belonging to a nobleman in your neighbourhood, completely counteract the influence which the landlord had upon them?—I am very sure they would not.

Do not you think it would be impossible for a landlord to pursue power which a landlord has in his hands, of ejecting them, against such a body as 3,000?—Where is the running half year's rent? he has the power of distraining for the running half year's rent.

Do you think any landlord could, in the present or past state of Ireland, ever pretend to distrain 3,000 tenants?—No; but if there was any one or two, or three, or four, or five, or six, or seven, or eight, or ten, he could do it by the hand of one person;

person; why not? and if any body attempted to rescue him, he would be brought to petty sessions.

In that view of the case, would not the power of the priest operating upon their minds, and their exhortations not to mind the rights of the landlord, be more powerful than the rights of the landlord?—I cannot tell how far different changes of circumstances and enthusiasm may go, but I am only speaking of the times I have seen.

Are you aware, that those very circumstances happened both in Sligo and Dublin?—With respect to Sligo and Dublin, I made it my business to enquire very particularly about them, because I was very much afraid, not for the Sligo gentlemen but for myself; and I did endeavour to find the extent of that influence, and I did not find it went very deeply, and it will go some length certainly, but not the length that people speak of.

Do you happen, in the county of Mayo, to know any instance in which the priests have been at the expence of paying the registry of leases on absentee property?—I never heard it; I do not believe they pay the registry of five leases for any of the candidates; they could not if they would, and they would not if they could.

You heard no instance of it?—No.

You state, that the removal of the Catholic disabilities, without accompanying it with the payment of the clergy, would not produce any material benefit?—I should think not; and all the rational people I have ever spoken to on the subject think as I do; they are of opinion, it would be fitting out a ship well without a helm to guide it.

Do you think the removal of the Catholic disabilities, accompanied by restrictions on the clergy, would produce a beneficial effect upon the country?—I do believe, the only restriction that will do, will be paying them.

You reckon payment a restriction?—Yes, it is a fine restriction.

And any restriction, independently of payment, you consider would prevent the removal of the Catholic disabilities from procuring tranquillity?—I think so, because it all originates in concealment; the priest has a secret influence, and I cannot see how restriction is to operate upon that. Was there ever such an anomaly as this, the population running one way, and the church and state another; and the penitent and the paymaster being the same person, and the government having no sort of influence upon the Catholic clergy, who are the clergy of a great majority of the people.

You think, then, that the Catholic population would be satisfied and tranquil on abolishing the religious distinctions, although the payment of tithes to the priests of another communion remained?—Undoubtedly the payment of tithe, or any thing, is a very unpleasant thing; the payment certainly of tithe to Protestant clergymen, by the Catholic, cannot be a very pleasant thing; but I conceive, the measure that was passed last Session, the tithe composition Bill, has settled all that; and the people pay that composition, as well satisfied, and as easily as if they had not paid it at all.

You have stated, that this year you observed a difference in the feelings of those confidential persons through whom you were formerly able to control the disturbed Catholic population around you, and that they were now, in their hearts, quite against you, subject to the influence of the Catholic Association?—Yes; I would not trust one of them now.

The Committee wish to ask you, whether you do not think it possible that a corresponding change may have taken place in the minds of the Catholic population generally, with respect to the comparative influence that they would allow to the priest and the landlord?—Certainly, it is a very fair inference to make, from what I said. How can I tell that the thing has not come into action? I do not know how far they might do so; all I can say is, that with my own agents, and with people that I thought would never feel except with me, with those very people that I thought would care as little for those political questions as any one, those people show me every minute that they think against me; I find I cannot get the information I used to do.

Whence do you think that this feeling is derived; have they a different knowledge from what they had before?—I think it first began with the refusal of the Lords to grant to English Roman Catholics; to put them upon a footing with the Catholics of Ireland. I had always stated to them, every thing will be done by-and-bye, have only patience, and if you do not, you put every thing against you, and you put

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me among the rest; then, when I came back after the decision of the Lords, they said, What can we expect? there are the Catholics of England, who never did any thing to disturb the government, they are refused to be put upon a footing with us, who are always rising; and can we expect to get any advantages further? what is it for our disturbances we are to get? That is the way they reason and they argue; and what could I say in answer to that? They would say, Do you think we are such fools as to believe that they will give us, for making disturbance, what they refuse to those people for quiet? What are we to expect? we cannot believe you. Nor could I make any answer, I was choked with the argument.

Did this occurrence take place before the appointment of the Catholic Association?—That answer has been always made to me, ever since the thing passed; but the Catholic Association have struck upon that iron so hard, and so ably, that they have revived it all in the minds and feelings of the people; and if that system continues, every man must change; if that weekly irritation went on, I would make my ho use a garrison.

Then, in your opinion, the throwing out of that bill contributed very much to give the Association the means of exciting the ferment that you say prevails in the country?—To be sure it did; and there is nothing I am more sure of than that those demagogues would be very sorry the evil should be done away, because that would be the means of putting an end to them; they would find that they had lost the topic and the means by which they think they can raise themselves into high situations in Ireland.

Do you recollect when that bill was thrown out in the Lords?—Yes, very well.

It was in May 1822?—Yes.

Do you recollect when the Catholic Association was formed first?—I cannot tell the day; but that impression was made from the time that bill was thrown out; but that has been worked upon by the constant hammering on it by the Catholic Association; and they have stirred up all the mischief, built upon that, that is now in the country.

Have you any means of ascertaining the number of priests in the country?—I cannot.

You cannot form any estimate of the sum that is required in order to pay them?—I always thought it would take about 100,000*l.* a year. I will tell the Committee what I conceive one of the greatest evils, of a minor kind, that is in Ireland, which is the collecting church rates, what they call church cesses, off the people, which are extremely vexatious in my neighbourhood; there was a parish clerk, the son of a shoemaker, laid a tax upon the parish; and if the gentleman that possessed the fee simple of the whole parish went into that vestry to regulate the cess in any way whatever, he would be turned out of the room, being a Roman Catholic gentleman. I think that is one of the greatest evils; and I conceive the landlords ought always to be obliged to pay that cess.

Is that tax in Ireland, as it is in England, a tax upon land?—Upon the land.

Not upon the person?—Levied off the land, upon a survey of the country made by Lord Stafford.

Do you think that the granting Catholic emancipation unconditionally, without giving a provision to the Catholic clergy, would have beneficial consequences or not?—I think it would have beneficial consequences, but I would not value them at much.

Are the people now more aware of, or more alive to their disabilities, than they formerly were?—I am sure they must be, when they are told of it three or four times a week in every village.

Do you think the Catholic Rent has had a great effect in teaching them that?—I consider that as the worst and wickedest contrivance of mischief that I ever heard of. In Ireland it is a fund for doing mischief; it is a fund for defending any man that shall offend against the laws of the country; they are the jury who hear him; there is a defence made for him by the Catholic Committee, and there is the Catholic Rent working upon the people. I know it has the worst effect, and that Catholic Rent is the most dangerous invention, and the most efficient thing too that has ever been thought of by the disturbers of that country.

Do you know what amount of Rent has been expended by the Catholic Association?—No, they do not let me into their accounts.

You have not read the auditor's report, which states 1,300*l.* to be the whole amount of the Rent?—I do not care what the amount is; the thing is, that there is a fund ready.

(100) Do

Do you confine your observations, as to the mischievous effect of the Catholic Rent, to the mere amount either collected or expended?—No, the principle is the thing; but I conceive that if they can tax them a penny a month, they can raise it to two-pence, and then they can raise it to a land tax to any amount; and then they have the means of levying war, or doing what else they please, and that you will have a civil war in Ireland, unless you do something to stop it, I have not the least doubt.

Would you pay the Catholic priests without taking the nomination of them into your own hands?—I would take the payment of them into my own hands; my Bill in Parliament should be thus; that his Majesty should have the power of granting 100*l.* a year, or any sum he pleases, to any persons appointed to benefices at their request.

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SECOND DAY.

Veneris, 25^o die Februarij 1825.

LORD BINNING

IN THE CHAIR.

Anthony Richard Blake Esq. called in, and examined.

YOU are a Roman Catholic?—I am.

You were absent from Ireland for some years till within a late period?—Yes, for several years.

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Upon returning to Ireland did you observe any alteration in the state generally of the country and the condition of the people?—I left Ireland at a time of life at which one is not in the habit of considering very much the state of the country, about the age of nineteen; but I was certainly at that time old enough to have some general impressions upon the subject; I think I have observed a change, and a change considerably for the better.

Have you had opportunities of ascertaining the present condition of the lower orders of the people?—My duties, as a Commissioner of Education, took me during the last autumn into several counties of Ireland; I observed, then, with satisfaction, that the lower orders of the people appeared much more decently clad than they were when I left Ireland originally, and I thought their general appearance considerably improved; there is one subject on which of course I could give some information to the Committee, the important subject of Education; but upon this I submit that it would not be proper for me at present to speak, inasmuch as it will be my duty, with my colleagues, to submit facts and opinions upon it to the Crown, from whence our authority issues.

[*The Witness was informed that the Committee would abstain from proposing any Questions on that subject.*]

Had you any opportunity of ascertaining to what degree the labouring class of the people was employed?—During the period I last referred to, the autumn of 1824, it appeared to me that the lower orders of the people were very generally employed, and I thought I observed habits of industry growing up amongst them.

In what part of Ireland did you observe that?—I was through the whole of Connaught in such a way as to enable me to form some opinion, because I dwelt a little in the different counties; I was also in parts of Leinster and in part of Munster.

Had you any opportunity of ascertaining to what extent any feeling of discontent or disturbance prevailed amongst them, in any parts?—So far as I could form an opinion from the outward appearance of things, I should conceive that there was not any disposition to disturbance existing at that time; with respect to discontent, any opinion that I may have upon that subject is formed more upon information than observation, so far as relates to that particular tour; I had conversations with the clergy of both denominations, (Protestants and Roman Catholic), and with the gentry of all descriptions; I have thus learned the state of the public mind through the interior of Ireland, and I am sorry to say that discontent, to a very alarming degree, prevails amongst the Roman Catholics, and that the most painful and lamentable

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lamentable dissensions exist; and are hourly increasing between them and the Protestants.

Is that discontent general among them?—I think there is a general feeling of discontent amongst the Roman Catholics, at the state of the laws respecting them; I think at the same time that there is a general degree of satisfaction at the course pursued by the present government of Ireland towards them; I am satisfied that this is the general feeling, from conversations which I have had, particularly with the Roman Catholic clergy.

In what manner was this discontent described to you to exist, and with respect to what particular parts of the law?—I should not say that it existed so far as my information went, or the impression which I received, with reference to any particular part of that general code which creates disabilities in respect of the Roman Catholics; there is a discontent prevailing universally amongst them at the general spirit and tenor of those statutes, by which the whole body is depressed and placed below the Protestants, without reference to rank, character, property, or information.

Did you discover that there was a general acquaintance amongst the Catholic body, with the nature and extent of the existing penal disabilities?—There is a general knowledge amongst the Catholics, that Catholics as Catholics, are put below Protestants; they know that the powers of the state, executive, legislative, and judicial, are by law required to be administered by persons, who, as their qualification for administering them, must forswear the Roman Catholic religion; this produces continual irritation; I speak from conversations with the Roman Catholic clergy and the Roman Catholic gentry as to the feelings of the lower orders; from personal observation as to those of the middling and higher orders.

Has the information you have received, induced you to form a belief, that the lower orders take much interest in the present state of the penal laws?—Certainly; I think, from what I have collected, that they feel that interest in two ways: in the first place, their pride (and there is a sense of pride among the lower orders as well as among the higher) is wounded by the sense that they belong to a degraded class; in the second place, there is a feeling amongst them, a feeling, however, which I am persuaded is a mistaken one as applied to the Judges of Ireland, that they have not an equal chance of an equal administration of justice with the Protestants; they do not consider that a Protestant and a Roman Catholic stand upon equal ground, wherever questions arise between them which are to be disposed of by authorities exclusively Protestant; they all consider that there is in the law a feeling of hostility towards the Roman Catholic religion, which is likely to pass from the law to those who administer the law, and to extend from the Roman Catholic religion to those who profess that religion.

Did it happen to you to have any conversation with any of the lower class upon the subject of those laws?—Not during my last tour; I do not think I had much conversation with the lower orders upon that occasion. I did not wish to speak to them upon political questions, while engaged in the duties upon which I then was; at other times I have.

Did you find, in conversation, that they were sensible of their political condition?—Certainly; it is impossible to speak, at least I have found it so, to a Roman Catholic upon the state of the law, without perceiving that it creates a sense of hardship and grievance in his mind.

Do they feel much interest in the various proceedings that take place with a view of altering the law?—I cannot speak to that from personal knowledge, so far as relates to the lower orders; but I understand from others, that they manifest the utmost anxiety to learn what the newspapers contain, what Parliament is doing, and so forth, whenever a question relating to the Roman Catholics is under discussion.

Can you state to the Committee the precise disabilities under which the Catholics now labour?—For that purpose I should beg, with great deference, to refer to the Act of 1793, which the Committee, I presume, are aware, is an Act of general qualification, subject to particular exceptions. The Act of 1793 repealed all disabilities to which the Roman Catholics were liable, subject to particular exceptions.

Can you mention any particular disability which excites dissatisfaction?—Where there is a general code of disability, it is difficult to point out the particular parts of that general code which create most dissatisfaction; the exclusion of Roman Catholics from that general range of office to which men of superior talent, property, and

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and education, aspire, necessarily produces amongst them a degree of irritation proportioned to their wealth and intelligence, and which must therefore go on increasing in proportion as their wealth and intelligence increase; thus the powers of property and knowledge, which, honoured and directed by the State, are calculated to promote public happiness and peace, are so dealt with by the laws of exclusion, as naturally to produce discontent and disorder. The exclusions which go most home to the general feelings of the people, are those which apply to Parliament and the Bench. Parliament makes, the Bench administers the laws of the empire; the Roman Catholics are excluded from both. This, it is said, is essential to the security of the Protestants; then, what becomes of the Catholics? If Protestants would feel insecure, were Catholics mixed with Protestants in Parliament, or upon the Bench, what must Catholics feel, when both are filled by Protestants exclusively? The fact is, that they consider these exclusions as rendering Parliament and the Bench hostile to them, and therefore they place confidence in neither.

Did you ever find it a matter of complaint that they were obliged to take what are called the Qualifying Oaths, in all matters concerning the purchase and devising of landed property?—I have not heard that made much matter of complaint; but it must be matter of disgust to any Roman Catholic; and I really should think it must be to any educated Protestant, to stand in a court of justice and hear the oaths or declaration which are administered to Protestants, as qualifications for office. I would state to the Committee, if they would allow me to do so, what happened to me, when in the course of the year before last I was appointed to the office I now hold in Ireland; I had some appointments to make to offices under me; the persons I appointed were Protestants; they went to qualify with me; I had to qualify first, because out of my right theirs was derived; I qualified, by taking an oath, which commenced with a declaration that I professed the Roman Catholic religion; I abjured all those doctrines which have been erroneously imputed to that religion; and having concluded, the persons who acted under my authority, who derived their offices from my grant, who existed as officers at my will, were obliged to swear that I was an idolator; were obliged to commence their qualification by declaring that the religion professed by the person from whom they derived their appointments was superstitious and idolatrous. These tests are calculated to excite very unfortunate feelings; they produce in those who take them a feeling of contempt for those who are called idolators, and a feeling in those who are called idolators, that they are unjustly and cruelly treated.

Is it not a matter of complaint, the tenets that Catholics are obliged to abjure in the oaths they take?—I have heard it complained of; but candour obliges me to say, that there is in history proof that among some Roman Catholics, some very obnoxious tenets were formerly held; such as the deposing power; and in my humble judgment, a Roman Catholic ought not to feel offended, if he be called upon to disclaim doctrines or positions which strike at the civil independence of the state; and which, though they never formed any part of the Roman Catholic faith, were yet at one time taught by authorities in the Roman Catholic church; but these doctrines are now universally exploded in these countries; and I should certainly wish to see one simple oath of allegiance established for all the King's subjects, Protestant and Roman Catholic. I must add, that I never heard a Roman Catholic object to that part of the oath prescribed by the Act of 1793, by which the Roman Catholic pledges himself to support the Protestant government, and solemnly disclaims any intention of attempting to substitute a Catholic for the Protestant establishment.

Do not Catholics experience great inconvenience, and have they not sometimes experienced serious injury from the manner in which they are required to take those oaths, and from the difficulty of preserving the evidence of having taken them?—I have heard that stated as matter of complaint, but I am not aware of any practical injury arising from the state of the law in that respect.

Are they not obliged to take them at sessions or courts of justice?—You are obliged, when you are appointed to office, to take the qualifying oaths within a certain time before certain courts.

The affidavits are made matter of record?—The oaths which you take are not affidavits, they are tests which you subscribe, and which remain of record.

Are not those records kept, particularly in the country, in a very negligent manner?—I cannot state that, I am not aware of the care given to those records.

Can you give the Committee any information with regard to the proportion which the Catholic population bears to the Protestant?—I cannot of my own knowledge;

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any opinion which I may have upon that subject is formed, in some degree, with reference to the returns lately made to the Commissioners of Education; returns, however, which do not afford any thing like certain data, with respect to the proportion which the uneducated part of the Roman Catholic population bears to the educated.

Q In general, from the information you have acquired, do you feel any reason to doubt the accuracy of the common mode of assuming the proportion that the Catholics bear to Protestants, to be in the ratio of six to one?—I must confess I am rather disposed to doubt that; I should think not six, perhaps five; but I speak very loosely. The Committee would, I suppose, wish to have opinions entitled to carry some degree of authority with them, which mine really are not, upon that subject.

Have you turned your attention to the circumstances which exist with regard to the management of landed property in Ireland?—My duties as Chief Remembrancer of Ireland require me in some degree, in rather an extensive degree, to attend to the management of landed property; all the estates which are under the control of the court of exchequer through receivers, are under my immediate direction; all sales which take place, take place under my direction; in that way I have some opportunities of seeing what the state of landed property is, the value of it, how managed, how rents are collected, and so forth.

What appears to you to be the case, with regard to the rate of rent that has been required, as to its being a proper rate or an excessive rate?—Perhaps I should answer that question best, by stating one or two facts; since my appointment to office in Ireland, I have anxiously attended to the state of the receivers accounts; I found when I was appointed those accounts very much in arrear, and when I got in the accounts I found the rents very much in arrear; upon enquiry it appeared to me that the arrears were generally occasioned by the very high rate at which land had been let, and in consequence of that I recommended in the case of lands in the hands of the court, where the persons to whom those lands belonged were persons for whom the court had a right to act, as infants and persons of that description, or where general consents could be obtained, that the state of the property should be examined, that inquiry should be made as to the rate at which the lands were let, and where it was found that the land was let very high, that abatements should be made, and that those abatements should be retrospective; so far as it should appear upon enquiry, that the rents which had been reserved were for the past period beyond those which the tenants could fairly pay, that recommendation has been acted upon very much, and the result is, that the rents having been reduced, the lands are now let, on what appear to be fair and reasonable terms, such terms as enable the tenant to pay to his landlord a fair rent for the enjoyment of the land, and enable himself to live by it; these rents are paid pretty regularly. The tenants have also been relieved from the old arrear, so far as it appeared to have been produced by their holding at an exorbitant rent; this has produced a very good effect; the arrears lay as an incumbrance upon them, pressing them down, and discouraging them altogether; since they have been relieved from it they have become more active, their energies have revived, and their rents are paid.

Have many instances come before you of severity of conduct, in enforcing the payment of rent, by distress or otherwise?—I have found generally, I think, that distress for rent is more common in Ireland than in England; I think, it is a rare thing in England to see cattle in pound for rent, but in travelling through Ireland you scarcely see a pound without some wretched horses or cows or sheep in it, which you are told have been put there for rent. I think a pound thus filled, one of the most distressing objects that strikes the eye in Ireland.

Have instances come before you of the sub-letting of land to any great extent?—Yes.

Do you find that to be at all a general practice?—Very general, and as mischievous as it is general.

In what way do you consider it to be mischievous?—I do not think that the man who sub-lets, has that sort of feeling towards the persons to whom he lets, that the proprietors of the land would have; at least that the proprietor of the land in England would have. I know that from my own experience of the manner in which landed property is managed in this country.

Is not that system of sub-letting, carried on in succession, from one sub-tenant to another sub-tenant, in many cases in a long series?—I have known, I think,

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two or three persons intervene, between the owner of the land and the occupier of the soil.

Do you know whether this practice is carried on with the consent of the landlords?—I believe the contrary, if by the question is meant the head landlords; and it has occurred to me, that it is a subject that calls for legislative interference.

What difficulty have landlords encountered in preventing it?—Unless landlords introduce covenants into the leases which they grant, to prevent sub-letting, they cannot prevent it; and as it is a principle of the law of England to favour commerce, if you introduce a covenant against under-letting or assignment, and you once permit an assignment or an under-letting, the covenant is gone for ever, even though you should expressly restrict the waiver to the particular case.

Do you mean, that if you waive it in the case of A. the waiver will hold good in the case of B.?—Yes; I will put a case: Suppose I grant a lease to A. with a proviso in it, that A. shall not assign without my leave; A. assigns to B. and I consent to that; B. may go on assigning afterwards, without my consent.

Does not receiving of rent from a sub-tenant, deprive you of every remedy that you may have attempted to secure by covenant?—It may, or it may not.

In cases where landlords have done no act to waive their right, and have appealed to courts of justice to enforce their covenant, have they not met with great difficulties in doing so?—I can only speak to that point, with reference to my practice when at the bar, and my practice at the bar was not of that description that could bring me much acquainted with cases of the character alluded to; but I conceive a landlord must always find difficulties, so long as the principle and policy of the law be in favour of assignment. Whatever the opinion of a court may be, as to the expediency of it, they are bound by the policy as settled by decisions; it has very frequently occurred to me, that there is in the English statute book, a statute which is very familiar to every lawyer, the statute of *Quia emptores*, a principle which might be acted upon and extended to Ireland, so as to correct this mischief; the statute of *Quia emptores* was passed in England, for the purpose of preventing sub-infeudation of manors, that sub-infeudation of manors producing in England the mischief which sub-letting now produces in Ireland.

Is it your opinion, derived either from your own experience, or the information you possess, that a landlord would experience very great difficulty in devising covenants, upon the efficiency of which he could rely, for the purpose of preventing sub-letting?—I think he would find difficulties, creating almost an impossibility.

Are you of opinion that the taking away the power of distress from the middleman, and giving it only to the head landlord, would answer any beneficial object?—I think it would, because it would relieve the unfortunate occupier from double or treble distresses; but there is a practice which prevails very much in letting property in London for building, which, if it were made a universal practice by law in Ireland, would I think, in a great degree, cure the evil that I have alluded to, and which is alluded to in the question put to me. In London, where a person possessed of any very extensive property makes a lease to a builder, he agrees with the builder to join with him in making sub-leases, so that the lessees shall be his tenants, and not the tenants of the builder; thus the rent which originally extended over five thousand feet, becomes apportioned among houses, covering fifteen feet, twenty feet, forty feet, and so on, and the tenant getting a lease to which the head landlord is a party at an apportioned rent, paying that rent whether to the head landlord or to the builder, according to the reservation in his lease, is secure: I think that would afford a principle for legislation as to Ireland; I mean, that all sub-letting should be prohibited unless the landlord be a party.

Do the modes come under your knowledge, which are most resorted to by landlords in Ireland, for preventing sub-letting?—I cannot speak to that question; I am not acquainted with the modes they have resorted to; I suppose covenants.

Has it come under your knowledge, that it is ever the practice to let at a certain rent, that rent not being intended to be received, and a covenant being entered into on the part of the landlord, not to take that rent in the event of the tenant not sub-letting?—I have heard of such attempts to prevent sub-letting, but I should think the attempt would be very likely to fail; very nice questions of law or of equity would arise upon it. There might be a question, whether the difference of rent should be considered in the nature of a penalty, and if it is to be considered in the nature of a penalty, whether an act done with a different intent might not nevertheless for ever waive it.

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You say, that you never heard that oath complained of, by which persons of the Roman Catholic persuasion are required to disclaim using any privilege they obtain to the injury of the established religion of the state?—Never.

You have, as being of an old Roman Catholic family in Ireland, had much opportunity of intercourse with the body of the Roman Catholics; have you had opportunities of very great communication with the Roman Catholic clergy in Ireland?—I have.

Have you had opportunities of speaking to them on subjects connected with their religion, as it affects the State?—Frequently.

Upon the entire of your communication with the clergy, and with the laity of the Roman Catholic body, have you any reason to suspect that there is any wish or object on their part, hostile to the Protestant establishment of the country?—I never found amongst the Roman Catholics any feeling of hostility to the establishment, so far as civil rights were concerned; except a notion that the property of the church was public property, and was more than the church ought to possess; that feeling I have perceived amongst some Roman Catholics, but not more than amongst Protestants.

Did you ever perceive any feeling or disposition to have transferred to their own body, the property of the established church?—Whether the clergy, as men operated upon by the natural feelings of men, would wish it, I cannot state, otherwise than by conjecture; as to the laity, I believe they would deprecate it very much; I have heard the clergy themselves declare that they would not wish it, and I dare say when they said so, they spoke what they felt and thought at the moment; but if the offer was made to them, one would not answer for its being refused.

Have you any means of forming a judgment, whether the Roman Catholic clergy would be pleased, if they were not supposed to be surrendering the principles of the laity, to accept a provision from the state?—My opinion certainly is, that accompanied with the settlement of the Roman Catholic question, and so regulated as not to prejudice their independence, they would receive a provision from the State with gratitude; that is the opinion which I have formed from conversations with them, particularly with the superior clergy; and my own opinion is, that it is a thing which, in the event of a settlement of the Catholic question, would be most desirable.

Do you think such a provision being made for them would be attended with any beneficial effect, in attaching the lower class of people to the state and government of the country?—I think it would produce a good feeling amongst them; it would make them understand, that their church was not looked upon with any hostile feeling, but the contrary; I think it would also be a very great relief to them, because, I believe, that the dues which are collected from the lower class of people by the Roman Catholic clergy, are felt very heavily; I do not mean to censure the Roman Catholic Clergy for collecting those dues, they are their only means of subsistence; but I believe the payment of them is often felt very severely by the lower orders. The members of the Committee may recollect what passed in the county of Galway, when the ribbon system spread so much there; they will probably recollect, that one of the grievances complained of was the amount of the dues paid to the Roman Catholic clergy; they were complained of as much as, or at least in common with the tithes.

Do you think, that the settlement of what you call the Roman Catholic question, and the making a provision for the Roman Catholic clergy, such as they would be willing to accept of, would, or not, be calculated to give additional security to the Protestant establishment in Ireland?—I think that settlement, upon wise and sound principles, would be above all others a measure calculated to give strength to the establishment, and repose to the country; I think the present state of the law is obviously erroneous; it is calculated not to secure, but to endanger the establishment; it creates bad feelings, and affords no security against them. The Act of 1793 took things at the wrong end; it elevated the lower orders, and left the higher in a state of depression. The security of the Protestants in Ireland is in the strength of property against numbers; what you have done is to grant to the Roman Catholics a privilege in which number tells against property, and to withhold a privilege in which property tells against number; you allow the lowest orders of the people to vote, and you do not allow the higher orders to sit. I certainly should consider, in the settlement of the Catholic question, if ever it is to be settled, that the qualification for the exercise of the elective franchise in counties, ought to be reviewed and altered.

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Do you think that a raising of the qualification that should entitle the freeholder to vote, would be calculated to meet the mischief you have adverted to?—I think it would in a very great degree; though I am a Roman Catholic, I speak with a sincere desire, that whenever the Catholic question is settled, the rights of the established church should be secured; and I think they would be secured in proportion as you encreased the political power of property, converted public discontent into satisfaction, and engaged the Catholics in the service of the State, by adequate honours and rewards. This would attract all the hopes and desires of the Catholics to the State, and would counteract any bias they might have against the Church, which is connected with the State, by an indissoluble union, and must therefore stand or fall with it.

Do you think that raising the qualification for the exercise of the elective franchise, if it was accompanied with the settlement of the great question you allude to, would be very unpopular amongst the body of Roman Catholics?—My opinion is that it would not; it is possible that against that, as against any thing else, a cry for a moment could be raised, but I do not think that any permanent feeling of discontent would be produced by it.

Have you in your observations as to the state of the country in Ireland, from what you have yourself seen and learned in communication with others, had any reason to think that the want of a respectable yeomanry is amongst the evils that that country labours under?—I think it is one main cause of the evils that the country labours under; and my notion in recommending a change in the qualification for the exercise of the elective franchise, is materially influenced by the hope, that it would induce gentlemen who wish to have political influence in Ireland, instead of parcelling out their land amongst a mob of wretched cottiers, to raise up and encourage the growth of a respectable yeomanry in the country.

Are you of opinion that any mischief which might grow from any diminution of the authority of the landlord, that might arise from the improved description of tenantry and the independence of the tenantry that would be produced by such a measure, would be completely counterbalanced by the benefit that would arise from the establishment of such an independent body in the country?—I think it would, because the power which would exist, would be a power to be exercised by persons having something of a stake in the country, which the mere forty-shilling freeholders have not.

Are you of opinion that it would take them from their subjection to the interference of the clergy, and in the next place, give them, as owners of property in the country, an independent personal interest?—My notion is, that if the Catholic question were settled, and the freehold qualification raised, the Roman Catholic clergy would no longer be tempted to exercise political power at elections; or if they were disposed to do so, that they would not have a body upon which they could act as at present, and that it would induce those gentlemen who wish to have political power through freeholders, to create freeholders of a respectable class, who would be the means of preserving order in the country.

Do you think that such an arrangement would be injurious to those fair interests which the Roman Catholics are entitled to have in the country?—My notion is, that the Roman Catholics ought not to have an interest according to their number, but according to their property; under that impression I think that it would not injure any power or influence which they ought fairly to have in the State; coupled, however, with measures which would place them in what I conceive to be the situation and estimation in which their property ought to place them.

From the nature of your view of the state of Ireland, particularly of the Roman Catholics in Ireland, if this Roman Catholic measure were conceded, and were accompanied by a respectable provision for their clergy, and by this measure that has just been mentioned of raising the qualification of freeholders; and if the laws in that amended state were fairly and justly applied, so as to give the Roman Catholics a reasonable share of political power and influence in proportion to their property and their claims, do you believe that we should have a reasonable prospect of peace and tranquillity being restored to that country?—I certainly think we should, and for this reason; I do not conceive there is any political curse upon Ireland that is to prevent Ireland from being as happy and peaceable as other countries, if instead of attempting to fit the people to the Constitution, the Constitution be fitted to the people.

What effect would such a state of things described in the last question, have upon the connection between Ireland and Great Britain?—If I did not think that it

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would have the effect of confirming that connection, and rendering it, I hope, eternal, I would myself, though a Roman Catholic, be against it; because I do think that the Roman Catholics, in their present state of connection with England, are much happier and much better off, than they could ever be, separated from England, although they should become the ascendant body, in all respects, in Ireland; they derive advantages from their connection with England, which Ireland could never afford them in a separate state.

If a provision were made for the Roman Catholic clergy by the State, is it your opinion, that the influence of the priesthood over their flocks would be thereby materially diminished?—I do not think any wholesome influence that the priest has over his flock, would be diminished.

Have the Catholic clergy at present any other provision than that which they derive from the voluntary payments of their flocks?—None.

The fee upon marriage is one of their principal resources?—It is.

It is usually that for which the highest price is paid?—I understand so.

In your opinion, has that circumstance any influence in producing early and improvident marriages?—There one must speak again with reference to the nature of man; if the priest gains by early marriages, there is nothing more likely to encourage them.

Is it not the opinion, that such is the effect of it?—I have heard it stated; I have heard the priests assert the contrary.

Are you acquainted with the manner in which freehold votes are very generally made throughout Ireland now; namely, that the freeholds are granted by the landlord, and that the freehold leases are, in point of fact, retained always in the possession of the landlord, and produced only at the time when there is a registry, or when there may be occasion to produce them?—I was not aware of the fact.

You have no reason to believe that that practice has ever prevailed?—I am not aware of it; it may prevail without my knowing any thing about it.

Does your experience enable you to say, whether it has been the usage for the Catholic freeholders generally to vote at elections according to the wish of their Protestant landlord?—Formerly, I believe it used; latterly, religious feelings, I am told, frequently carry the tenant away from the landlord, particularly through the activity of the clergy, who are stimulated by the increasing eagerness of the laity for emancipation.

Do you believe that in consequence of the diffusion of knowledge amongst the lower orders of Catholics, the exercise of a free independent opinion is more likely to prevail, than upon former occasions?—I think there is, every day, more knowledge and more property spreading through the Catholics, and of course, in proportion as it does so, a more independent feeling will arise among them, and a keener sense of the political inferiority in which they at present stand; but with respect to that description of tenantry which has been induced to vote against their landlords, I should not be inclined to think that it was very much from a feeling of independence of the landlord; I should rather attribute it to a disposition to oppose those whom they consider hostile to their religion, a disposition which the clergy, of course, have the best means of exciting and calling into play.

Is it your opinion, that the existence of the laws, as they now affect the Roman Catholics of Ireland, has a tendency to produce a peculiar degree of union amongst that class as Roman Catholics?—I have no doubt of it; they are bound together by the common sense of a common grievance.

Do you not conceive, in consequence of the existence of that union, if it should be acted upon at elections generally, and more especially in counties, the result of it must be, to give a decisive influence to the Catholic body, as things now stand in the counties?—I think it would give to the Catholic body a degree of influence beyond what the just weight of their property would otherwise entitle them to; it enables active Catholics, clergy and laity, to alienate the lower orders from their landlords, and through their numbers to carry all before them, driving Protestant property, when opposed to them, utterly out of the field.

Is it your opinion, then, that the influence of religion, and the priest, would be stronger than the influence of the Protestant landlord?—Speaking from facts, I should say, yes. I have heard of acts of interference at the Dublin election, the Leitrim election, and the Sligo election, and other places.

Have you, in your knowledge, ever met with any objection being taken to the purchase of land, on account of the title being derived from forfeiture?—Never.

Have

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Have you known of much property being invested by Roman Catholics in the purchase of landed estates in Ireland?—I left my native county, the county of Galway, about twenty years ago; I returned to it in the last year; I found there a new race of landed proprietors, principally Roman Catholics; the Roman Catholics are persons very much engaged in commerce; they have also, within the last thirty years, entered very much into professions. They make money in commerce and professions, that money settles into land, and thus the landed interest of the Roman Catholics is increasing to a great extent.

Do you know whether any of the landed estates so purchased, were lands that had been forfeited, and the owners of which, who have sold to Catholics, had become possessed of them in consequence of the forfeiture of the original proprietor?—A great deal of it must, when it is considered to what extent forfeitures took place in Ireland; I should say of my own family, we forfeited; we lost considerable property; we have since purchased other property, which we will not give up in a vain pursuit of the old.

Is the Catholic landed interest very much interested in the present settlement of property in Ireland?—To the extent of the interest which the Catholics have in the land, they are of course equally interested in preserving property, with the Protestants.

Besides, purchases of estates, has not a great deal of Catholic money been lent on mortgages?—A great deal; persons of that description in Ireland, as well as in England, are now seeking for good mortgages.

Are not the Catholic tenantry very much interested in the existing leases?—In proportion to the interest which they have under their leases.

When you speak of raising the qualification of electors, do you, in your idea, limit it only to freehold leases; or would you say, that in a county, the qualification of a man having the fee of his forty-shillings freehold, should be raised also?—I confine myself entirely to persons who derive under leases; if a man had the ownership of property, I should say he ought to be permitted to vote, because he is the proprietor, the leaseholder is not; and I take that to be one of the great distinctions between the forty-shilling freeholders in England and in Ireland; in England a forty-shilling freeholder in general has a property of his own to that extent; in Ireland, it is quite the contrary.

Supposing a lessor pays to his landlord a rent of five pounds a year, he ought to be able to get out of that property a rent of seven pounds a year, in order to give him a forty-shilling interest in it?—Certainly.

Do you believe that that is generally the case with respect to the lower class of freeholders?—I believe quite the contrary. In general they pay what is originally a rack rent for the land, they then build mud huts upon it, and if they make out of the land a profit of forty shillings a year, a profit produced by the sweat of their brow, they reconcile to themselves to swear that they have an interest in it to the extent of forty shillings a year, whereas the gain is produced not through an interest in the land, but through their labour.

So that in point of fact, when their interest comes to be examined by this test, it is not an interest *bonâ fide* of forty shillings a year?—Quite the contrary; I referred in a former part of my evidence, to cases that were before me, upon receivers accounts in Ireland; I found frequently, that a great mass of tenants who were in arrear in consequence of holding at exorbitant rents, had sworn to forty-shilling freeholds.

Have you ever considered what amount of qualification for the exercise of the elective franchise would suit the present state of Ireland?—I am speaking entirely with reference to leaseholders; and speaking with regard to leaseholders, I may perhaps be considered too aristocratical in my notion, but I should say the qualification ought to be, to the extent of twenty pounds a year; having reference to another object which I mentioned in a former part of my evidence, that of creating, if possible, in Ireland, a respectable yeomanry, and preventing the sub-division of land; but I have thought more of the principle than of a standard for regulating it.

Do you think, generally speaking, that the forty-shilling freeholders exercise any free choice at elections?—My opinion is, that they have none.

How do you think they are controlled?—I believe they are controlled either by an absolute landlord, or by the sort of interference through religious feelings which I have already mentioned.

Can you state to the Committee, the kind of control that is exercised over those forty-shilling freeholders, so as to command their votes?—I can speak only from hearsay;

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hearsay ; the landlord of course has the power of distress ; the priest or other partizan may act upon their religious feelings or prejudices.

Do you believe that those measures, which you have stated as likely to be beneficial with respect to the raising the qualification voters, ought not to be considered as completely dependent upon being combined with their complete emancipation ; that is, do you conceive that the raising the qualifications, and depriving, of course, the forty-shilling freeholder of his right, could be effected without occasioning the most serious discontent, unless it were accompanied with the other measure you have suggested ?—I have already, I think, stated an opinion, which must be considered as an answer in the affirmative to that question ; at the same time, I should wish to understand, what is meant by emancipation, in the question now put. If by emancipation, is meant the universal removal of all disabilities, my opinion does not go to that extent ; but it does go to the extent of representation in Parliament, and admission to the Bench. I do not think, that if representation in Parliament were conceded, and the Bench were open, that there would be much objection to some extent of exclusion from political office ; the other exclusions, from Parliament and the Bench, are the exclusions particularly felt.

What should you say with respect to corporate offices ?—Corporate offices were not in my view particularly ; with regard to corporate offices, there is at present a means of relief to Roman Catholics, which is not generally known ; the Crown may exercise a dispensing power in corporations.

Have you known it exercised ?—I have not known it exercised, and I do not know that the Crown could be well advised now to exercise it ; because a class of statutes must constitute a policy calculated to fetter the discretion of the Crown.

If the law were to be altered in other respects, so as not to form an exclusion from Parliament and the Bench, would not that affect your opinion as to the propriety of exercising a discretion in corporate offices ?—It certainly would ; there would be no longer existing in the law that policy, or supposed policy against the exercise of it, which the present state of the law, I think, creates.

Do you consider that it would be sound and good policy to leave at the discretion of the Crown, or of the advisers of the Crown, the exercise of this power, in such corporations as it might think fit, without its taking place at all ?—I did not mean to express any opinion upon that ; I only mention the fact of the law creating a difference between the two cases of offices under the Crown and corporate offices ; I think exclusion from corporate offices may be felt, and would be felt as a very severe grievance ; but if you can produce a beneficial effect in any way, I do not think the theory is of so much importance. With respect again to Ireland, I believe there is a misapprehension, very general, upon another point ; I believe it is generally understood, that the Test Act is in Ireland repealed ; the sacramental test is not repealed in Ireland ; it is only repealed as to Protestant dissenters ; a circumstance which forms a curious principle in the law. A Protestant of the church of Ireland may be ruined unless he receives the sacrament, but a dissenter is safe. The Act of 1782, which relieved the Protestant dissenters from the Test Act, provided only that His Majesty's Protestant dissenting subjects should not be bound by it ; and I apprehend it would be necessary to plead, that you were a Protestant dissenter, if an action was commenced against you, and you wished to have the benefit of the statute.

Do you then think the Catholics generally would acquiesce in the proposal of raising the qualification for voting, provided it was accompanied with Catholic emancipation, or with the admission to Parliament and the Bench ?—My belief is, that they would ; a belief founded upon extensive communication with them ; but I speak only of the principle of a rise, not of the extent to which the rise should go. I have not discussed the amount at which the qualification should be fixed with many persons.

Do not you think a considerable outcry would be raised in Ireland, if it was proposed to raise the qualification of forty-shilling freeholders ?—If the forty-shilling freeholders were persons of independent property, exercising through their property a free choice, I think it would produce a very serious outcry ; but I do not think they are persons of a description likely to have much feeling upon the subject.

Do you apply the observations you have made with regard to forty-shilling freeholds, to forty-shilling freeholders in cities and towns ?—Certainly not, for a very obvious reason ; I speak of those places in which property is the qualification ; if in cities and counties property were the entire qualification, I would have it raised there ; but if property be not the entire qualification, then the question stands there

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there upon quite different grounds; if a man who serves an apprenticeship of seven years be entitled to vote without regard to property, there is no reason why the freeholder of forty shillings a year should not vote also.

In point of fact you mean to limit your observations to counties?—To counties.

Do you know whether in point of fact the description of forty-shilling freeholders who vote in cities or counties, are in point of property the same description of persons who vote as forty-shilling freeholders in counties at large?—I apprehend quite otherwise.

Are they not in many instances merchants and persons of property who acquire forty-shilling freeholders in order to give them a political right?—The persons who are forty-shilling freehold in cities, are, generally speaking, merchants or respectable tradesmen; they are not paupers, as most of the people who call themselves forty-shilling freeholders in counties are.

In case the forty-shilling franchise were to be altered in cities and towns in the same way as you have described in counties at large, would not the practical effect be to throw the return altogether into the hands of the freemen?—I cannot say that I am sufficiently acquainted with the state of property in corporate towns to answer that question.

Have you ever formed any rough calculation of what number of persons in Ireland, a change of the qualification to twenty pounds would disfranchise?—I have not considered the extent to which it would go, but I have considered the class to which it would go; and the more extensive that class, the more necessary in my judgment the change.

From your experience, are you able to say whether the feeling of the great body of the lower orders of the people is strong and keen upon the subject of what is generally called the Catholic question?—I believe it to be so; I do not think I ever spoke to a Roman Catholic, high or low, that did not betray something like irritation upon the subject.

Do you think that feeling begets any want of confidence in the administration of justice in any of its departments, particularly amongst the magistrates?—I am acquainted only with the superior courts of Ireland; I may have a little feeling upon the subject, as belonging to one of them, but I am conscientiously satisfied that they administer justice as purely and honestly as any courts upon the face of the earth. If I were to say what influence I think the Catholic disqualifications have upon them, I should say it was to turn their feelings in a direction favourable to the Roman Catholics; the lower orders however think the contrary; they think that the Judges, being all Protestants, have a leaning against the Roman Catholics; they consider the exclusion of the Roman Catholics unfair; that the object of it is to give the Protestants an undue advantage in the distribution of justice.

You are speaking of the higher courts?—Yes, with which alone I am really acquainted.

Can you state what effect the plan of raising the qualification would have upon the Protestant interest of the country?—I think the Protestants constitute, to a very considerable extent, the landed proprietary interest of Ireland; and therefore, in proportion as you increase the power of the proprietary interest, and diminish the power of mere numbers without property, you strengthen the Protestant interest. At present the Protestants insist upon the ascendancy, the Roman Catholics seek equality; this equality, to the extent of their property, they ought to have, but no farther; if equality to this extent were established, it would, I think, satisfy the Roman Catholics, and certainly would not prejudice the Protestants; it would take from the Catholic multitude the vast political power which they now possess, and would open to the Catholic gentry the capacity of enjoying another species of political power which they do not now possess, the capacity of sitting in Parliament, a capacity however from which they could only derive any benefit through the will of the property, Protestant and Catholic, of the country. This would not shake the true legitimate ascendancy which belongs to the Protestants, in proportion as they form the preponderating proprietary interest of the country; on the contrary, it would secure that ascendancy on a rock, upon the genuine sound principle of the British constitution, which makes property the basis of all political power and ascendancy in the state; while the Protestants claim ascendancy on other ground, the Catholics will consider it hostile, and oppose it; but once put on its true ground, the hostile character would cease, Protestants and Roman Catholics might then regard each other as fellow citizens, and uniting as such, render their common country happy and prosperous.

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Can you state whether the subject is viewed in that way, at present, by the Protestant proprietary of the country?—It would not be right for me to mention names; but I have certainly conversed with gentlemen in Ireland, who I know have been adverse to what are called the Catholic claims, who told me they would be favourable to a settlement upon that principle.

The twenty-pounds freeholder would be in a situation to exercise his franchise, without any regard to his landlord?—I should rather think the contrary; I think there must be a connection between the landlord and the tenant at all times, and that the tenant would be inclined, though not from the same slavish feeling as at present, still to follow his landlord's interest; I have found that to be very much the case in England.

You mean that it would be a more honourable feeling?—It would be a more honourable feeling; indeed I should say that a twenty-pound freeholder would feel it more his interest to go with his landlord, than the mere wretched forty-shilling freeholder, for he has an interest to secure which the other has not.

You have stated in a former part of your examination, that under the present state of the law, there is an impossibility in framing a covenant by which the landlord can prevent alienation?—There is a difficulty approaching to an impossibility.

In looking to an alteration of the law, by way of giving the landlords an efficient controul over their property, can you suggest any regulations which would be calculated to meet that object?—I already alluded to the principle of the statute of *Quia emptores*; I should think that regulations might be framed to give effect to that principle; for instance, if it were provided by law, that no person should underlet without the consent of the landlord, that the landlord should be a party to every lease, or to every sub-lease or sub-contract, and that the tenant paying a rent according to the reservation in that sub-lease or sub-contract, should be free and discharged from all liability; you would in that way, I think, in a great degree prevent sub-letting, because the landlord would not be very willing to give his consent to sub-letting in such cases; and, on the other hand, you would prevent one of the present mischiefs of it, because the sub-tenant would no longer be subject to those double and treble distresses.

Do you mean that it should be provided by law, that there should be no sub-letting, without a special consent to sub-let?—Without the landlord being a party to the instrument by which the land was sub-let.

And that all sub-letting should be ineffective, unless the head landlord was a party to it?—That all sub-letting should be ineffective, unless the head landlord was a party to it; and I would go further, and provide that the person attempting to sub-let otherwise, should be without any remedy for the recovery of his rent; this, I think, would be an effectual means of preventing it.

How would you have the power of recovering the rent in a sub-lease?—That rent being paid according to the *redendum*, the tenant should be freed and discharged.

Supposing the rent is not paid according to the *redendum*, it forms part of the landlord's rent, as well as part of the mesne tenant's rent; would you give a power of distress both to the landlord and the mesne tenant?—No; only to the person to whom the rent was made payable.

Would not the landlord be unwilling to join in that?—I think he would; and I think so much the better.

That would go to prevent sub-letting?—To a certain degree. It constantly occurs in London; the granting of leases, to which the head landlord is a party, in which the rent is reserved either to him or the middle man, and by which the tenant paying the rent, is completely discharged.

Then the landlord, in the event of his becoming a party to such a lease, would have no remedy against his immediate tenant; except his having made a contract with him to that amount, he would have no power of distress?—He would have no power of distress as against that part of the land granted to the under tenant, unless to the extent of any rent reserved by that under-lease to him; if rent is reserved to the head landlord, it might be distrained for by the head landlord; if not reserved to the head landlord, but to the middle man, it might be distrained for by the middle man. I am speaking very loosely upon these subjects, merely answering at the moment.

Do the Committee understand you rightly to say, that the existence of Roman Catholic disqualification is a common grievance, which enables the priests to exercise

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cise an influence at an election?—It creates a feeling of discontent, of a religious nature, through which feeling the priest is enabled powerfully to act at elections; he is enabled to say to them, for instance, This man is against your religion, this man is for your religion; I am told he has said so.

You conceive that, by removing the Roman Catholic disqualification, you would deprive the priest of that power?—I do not think I should, entirely; I should lessen the temptation to the exercise of it, and I should diminish the power also, by setting at rest the Catholic question, and raising the qualification from 40s. to 20l. a year, or to such sum at least as would raise the class of freeholders entitled to vote, so as to render them, in some degree, persons of intelligence and property, likely to have a will of their own.

Would not the exclusion of all freeholders under 20l. a year, exclude a great number of persons who have considerable capital on their farms?—I do not think it would.

The Committee understand you to state, that in cases in which persons swear to 40s. freeholds, they have, in many instances, little interest, if any, in the land; do not you conceive that even in the case of 20l. freeholds, persons might swear to those freeholds, who had a very inferior interest in the land than that?—I do not think they would; I think common decency and shame, and the obvious means of instant detection, would operate to prevent it; a man who comes to swear to 20l. must have some property in his hands.

A man in Ireland, who would have an interest of 20l., is of a totally different class from the 40s. freeholder?—Yes.

Would it not, in your apprehension, exclude in towns a considerable number of persons who are householders, who have not an interest above the rent they pay for their houses, to the amount of 20l.?—I have already stated, that I do not mean my observation to apply to towns.

The freehold runs in virtue of residing in a house; would it not exclude in towns a very large proportion of persons, who derive their freeholds from residing in those houses alone, without any regard to land?—I am not sufficiently acquainted with the state of towns, to speak upon this subject; I had in my mind the general appearance of the 40s. freeholders, which is the appearance of a rabble. There may be persons of respectability having only 40s. freeholds; there is no general rule without particular exceptions; but I think the injury which they might sustain would be as nothing compared with the benefit the state would sustain from the general regulation.

You are not aware that a very large proportion of 40s. freeholders in towns do derive their freeholds in virtue of holding houses in towns, without having land?—No.

Do you apply the 20l. qualification to the rent that the freeholder pays, or to the profit that he makes?—I mean, that whatever rent he may pay, to whatever extent he may pay it, he should be able to swear that he has an interest beyond that rent, to the amount of 20l. a year; that if he pays 500l. a year, the property should be worth 520l.

Would not that have the effect of excluding a very large number of persons, possessed of considerable capital, compared to the capital of those who now vote?—I should apprehend not, because a capitalist taking land in Ireland, with a view to improvement, would certainly, if he acted to any extent, soon gain an interest in it through improvement to the amount of 20l. a year.

Do you not conceive that the raising of the franchise to 20l. would disqualify, in towns and cities, a large proportion of the out-freeholders, and would create great discontent and disturbance in those towns?—When one is considering any proposed measure, one is not to be governed by the evils which may be in your way, according to a particular view of it; you must look to the right and to the left; you must judge by comparison, weighing advantages against disadvantages, and disadvantages against disadvantages; and I think the satisfaction to be produced by the measure in question would be much greater, and much more important, than any dissatisfaction that would be produced by it.

Are you not aware that a great number of 40s. freeholders, who exercise the right of franchise in Ireland, are not of so respectable a class as voters from towns?—I consider the mass to be mere rabble.

Has not the effect of the Act of the year 1793 very much tended to induce the landlords to split their land into very small portions?—I apprehend, inasmuch as it enabled Roman Catholics to vote at elections, that it has induced landlords to make Roman Catholic

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Catholic freeholders; and as the Roman Catholics are the most numerous body, they are enabled to manufacture freeholders to a much greater extent, under the operation of that Act, than they could before, and consequently to split their land.

If the elective franchise was confined to freeholders of 20*l.* a year, would not that have a great effect in consolidating the land?—I think it would, and that that would be one of the benefits that would result from it.

Might not it have the effect of turning adrift a vast number of people, who now have considerable interest in the land?—The persons who now have an interest in the land would not, so far as their interest in the land goes, be affected by such Act; it might prevent landlords from creating new freeholders; it would not enable the landlord to turn the present freeholders out.

Are you aware of the state of property, and sub-division of property, upon collegiate and bishops lands, where no freeholds can be created?—No, I am not.

Daniel O'Connell Esquire called in, and examined.

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HAVE you had opportunities of becoming acquainted with the condition of the lower orders of the people of Ireland, in an extensive district of that country?—I may venture to say, that I have had many, and long.

Have you observed any very great increase of numbers in the districts with which you are acquainted?—Very great; I know many instances, in the remoter parts particularly; for example, I know of farms upon which I remember but two dwellings, I speak of two farms that I have in my mind at this moment, upon which there are at present, I believe, nearly a hundred families.

Can you inform the Committee about what period the great increase of numbers commenced?—No, because it has been increasing as long as I recollect; I was out of Ireland from the year 1789 till 1795, between France and England.

Was there any great progressive increase of population throughout the early part of the last century in Ireland, up to the period of 1789?—That I only know as matter of history.

Can you state to the Committee any circumstances that you consider as causes of the modern and very great increase of the population?—Perhaps it is prejudice, but we have been apt to attribute it to the relaxation of the penal code in 1778, which, for the first time since the reign of Queen Anne, enabled the Roman Catholics to take leases, and have tenures, and thereby fix them more to the soil, allowing the productive qualities of Irish soil to come into operation; and as I consider it to be capable of feeding four times the number of its present inhabitants, I think that the law, allowing the people to become holders of the soil, must necessarily have had the effect of increasing the population.

What, under your observation, is the state of the lower orders in respect to their modes of living?—The state of the lower orders, in my observation, is such, that it is astonishing to me how they preserve health, and above all, how they preserve cheerfulness, under the total privation of any thing like comfort, and the existence of a state of things that the inferior animals would scarcely endure, and which they do not endure in this country.

Is that state of circumstances of the people general throughout the part you are acquainted with?—It is general in the labouring classes throughout a great deal of the part I am acquainted with; it is varied by local circumstances in particular districts; for example, the facilities of procuring firing, change very much the comfort of the Irish peasant; in the richer districts of Tipperary and Limerick, the peasant is a most miserably circumstanced creature, he wants firing, and frequently is at a distance from water in the mountain districts particularly; in the remoter one of Kerry and Cork, there is water in great abundance, and he can have firing with great facility, and that adds to his comfort much, and to the duration of human life also.

What particular parts of Ireland do you speak of?—The parts of Ireland that I am best acquainted with, are the counties of Clare, Limerick, Kerry, and Cork; I have gone that circuit for many years; I have some property extensive in itself, but inconsiderable comparatively in value, in the county of Kerry, and I am well acquainted with those counties.

What is the general state of the habitation of the lower class?—It is impossible, I think (I express myself strongly), it would be extremely difficult to have any thing worse; the houses are not even called houses, and they ought not to be, they are called cabins, they are built of mud, and covered with thatch partly, and partly with

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with a surface which they call scraws, and any continuance of rain necessarily comes in ; I have observed at night, however, that there is this advantage in their being built so there, that where they have firing the entire house warms, and it is like a stove, and it produces almost the effect of a vapour bath upon the inhabitants.

What sort of furniture have they in those houses ?—Nothing that can deserve the name of furniture ; it is a luxury to have a box to put any thing into ; it is a luxury to have what they call a dresser for laying a plate upon, or any thing of that kind, they may have ; they generally have little beyond an iron cast metal-pot, a milk tub which they call a keeler, over which they put a wicker basket, in order to throw the potatoes, water and all, into the basket, that the water should run into this keeler ; that is frequently the extent of their furniture.

With regard to their bedding, what does that consist of ? Nothing but straw and very few blankets in the mountain districts ; by the sea they are better off and more comfortable, they fish occasionally.

Are they without bedsteads ?—In general without bedsteads ; the entire family sleep in the same compartment ; they call it a room ; there is some division between it and the part where the fire is ; they separate the sexes by very slight partitions, and yet I do not believe, and indeed I am convinced, that that species of promiscuous lying amongst each other, does not induce the immorality which one would expect from it ; certainly no immorality between persons closely related ; such a thing is not heard of.

Have you known any instances in which that degree of immorality has been imputed ?—None at all even imputed ; I do believe the Irish peasant would destroy himself if he thought it was seriously imputed to him.

Have they blankets put over the straw sufficient to cover them ?—In general not.

Do they sleep in their clothes ?—In the county of Kerry they seldom sleep in their clothes, they are better off in the remoter parts of it with respect to blankets ; so in the remoter districts of the county of Cork ; but I have reason to believe, that in Limerick, and in a portion of Clare, and in parts of the county of Cork, they sleep in their clothes ; I know that near Dublin they sleep in their clothes, and that upon recent investigation, within eight or ten miles of Dublin, out of fourteen or fifteen families, there were only two found in which there was a blanket.

Of what description is their ordinary clothing ?—In the southern provinces they wear a frieze jacket, and the breeches of frieze, the waistcoat generally of flannel ; they are very ambitious of wearing something of a cloak made of frieze, a large coat ; any of them that get at all above the world now, are desirous of having a kind of cotton work called corduroy trowsers.

Have they got stockings generally ?—In general they have not, at least in ordinary use, in those counties I have spoken of ; neither men nor women do in general wear shoes and stockings, it is dress and luxury.

Have they sufficient clothes, in case of being wet, to change ?—Speaking of it as a general rule, they have no clothes to change ; they have none but what they wear at the moment ; of course, in the various grades of poverty and its shades, there are differences, but I speak of the general state of the Irish labouring peasantry.

With respect to their food, of what does it consist ?—Except on the sea coast, of potatoes and water during the greater part of the year ; potatoes and sour milk during another portion ; they use some salt with their potatoes when they have nothing but water ; on the sea coast they get fish, the children repair to the shore, and the women, and they get shell fish of various kinds, and indeed various kinds of fish.

Do they suffer any inconvenience in that season of the year which takes place between the going out of the old potatoes and the coming in of the new ?—Almost always great distress, aggravated by the difficulties with respect to tithes. The Irish Acts enable the peasant to hold a kind of battle with the tithe owner upon every thing but potatoes ; with other things he can serve a notice to draw, but with potatoes it is not so ; there is no statute provision respecting the potatoe, and then if the peasant begins to dig his potatoes he is completely at the mercy of the tithe owner ; and it is right to say, that he is in general not very harshly dealt with where the clergyman has the tithes himself ; but when they are in the hands of laymen, and frequently persons of the same persuasion with himself, he is very badly dealt with ; if he begins to dig he has no mode afterwards of defending himself against the demand.

That is, if he begins to dig previous to making an arrangement or bargain for his tithes ?—Yes ; and that is the interval that takes place between the going out of the old potatoes and coming in of the new harvest, because the bargain for the

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tithe is not made or tendered to him at that early period; he has great distress in general at that time.

Have they the means of purchasing potatoes during that season, if their own stock is exhausted?—Money is an article that the Irish peasant knows excessively little of; he has not the means.

Is there no employment sufficient to afford the means of acquiring money for cases of difficulty?—Certainly not; I do not believe there is in the world a peasantry more ready to accept small wages for employment than the Irish peasant.

Is there any thing like a demand for constant employment for the labouring class?—There is not, according to my knowledge and experience, even any thing that could be called an occasional demand; that is, the demand is so small that it scarcely deserves the name, it is rather an accidental demand than even occasional.

Could you give the Committee any idea of the proportion of the people that are without employment?—To attempt it numerically is matter of conjecture, but there certainly is not one out of twenty employed; that is, there is nothing like constant work for that number.

What is the customary wages for a man's labour, when employed, independently of considerations of rent?—I cannot say that, except in the remote district of the county of Kerry, where I take it to be, when there is employment, sixpence a day without any meal, and fourpence a day with; and yet I say that, from perhaps not a very distinct recollection, it is not more than that. I believe during 1822 they cheerfully worked at two-pence a day without victuals, being paid in money.

Under these circumstances of a want of employment, how do the people contrive to provide themselves with food?—Every man cultivates the food of his own family, potatoes and land becomes absolutely necessary therefore for every Irish peasant, and he cultivates that food, and he makes the rent in general (I am and have been speaking of the poorer class of peasantry) by feeding the pig as well as his own family upon the same food; and if it be not wrong to call it so, at the same table, upon the same spot with that pig, he makes the rent, besides any chance he gets of daily labour.

Is there generally a facility of acquiring land?—Great difficulty; the lower class of tenantry, the mere peasant, it is painful to look for rent from, and he is supposed to injure the farm, and he does to a certain extent, and he has no capital to reinstate it, and they find therefore great difficulty in getting land, a difficulty increasing with the number of the population.

What rate of rent is charged on this class of occupiers?—I cannot state that; the county of Clare subsists a good deal upon what are called conacres, that has been introduced but lately at all into Kerry, and not at all into my part; and in my part of it, the land is reckoned by the quantity of cows grazing; it is divided into plough lands and gneeves.

What is the conacre system?—I am not very familiar with it; as far as my knowledge of it reaches, it is this; I speak, however, with diffidence of it; it is a right to plant a crop, paying sometimes six, eight or ten pounds an acre for that right by the single year, and the crop is detained till that rent is made up, in whatever way it can be made up; but then I should take a peasant to be wealthy that took an acre.

How does the peasant pay his rent who takes land by the year?—The lowest class of peasant pays it by the price of his pig and his labour, whatever chance of labour he has; the better class than that pay the rent by the produce of butter; in the mountain districts of oats; in the district something better than that, in the remote parts of the county of Cork, they pay the rent by the produce of barley, and in the richer parts, the better farmers by the produce of wheat; by the produce, I mean the money produced.

How does a man pay the rent for a conacre?—I am not prepared to answer that; I am not sufficiently acquainted; but I should take it in general by labour, and by the sale of the pig.

From a former part of your evidence, it would appear there is difficulty in finding labour?—The only places where I am at all acquainted with conacres are in the vicinity of towns; my own residence is necessarily, the far greater part of the year, in Dublin, and my professional avocations are sufficient to prevent me from being acquainted with the minuter details of farming.

Are there not a great number of the lower orders that cannot even obtain conacres for the potatoes?—Yes, that is the impression upon my mind.

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In what manner do they contrive to live?—I cannot tell that; I speak of their being such, not of my own knowledge, but as a general impression.

Have circumstances occurred within your knowledge, of hardship, in respect of distraining for rent?—Very many.

Is it a general hardship in the country?—It is a general grievance, very much aggravated by the necessity of sub-lettings; there are frequently six and seven between the proprietor of the fee and the actual occupier; and whenever any two of those happen to differ in the state of their accounts, the man who claims more than the other has paid, or is willing to pay, settles the dispute by distraining the actual occupier; and that occurs in many instances, where the occupier has paid his own rent to his own landlord.

Then every superior tenant of the sub-tenant's has a right of distress over the actual occupier?—Unquestionably.

Have cases come to your knowledge, of hardship arising from that?—The greatest cruelty and oppression; and it is attended with this additional oppression, a recent statute, which was passed about the year 1817, for the first time, enabled the landlords to distrain growing crops in Ireland. My own opinion is, that that statute has contributed extremely to the disturbances in the South, because in all those cases of sub-letting, it gave to every one of those individuals the power of distraining the growing crop, that growing crop being the subsistence for the family of the peasant; and if he can forbear from digging the potatoe himself, he cannot restrain his wife and children. I have known numerous instances, where informations as for a felony were sworn before a magistrate; the wretch was committed to a jail for two or three or four months, till the ensuing assizes, when it was discovered it could not be a felony; but then the wretch had lain in jail during that time, and his family of course excessively ill off. The worst of the crimes of the South I attribute a great deal to the effect of that Act of Parliament.

Are the lower orders severe in their dealings towards one another, in regard to enforcing distress?—They are harsh and unfeeling towards each other in pecuniary matters.

Do they exercise the right to the fullest extent of enforcing what is due to them, under all circumstances?—They do; I have known persons who would be perfectly ready to die for each other in personal quarrels, as harsh about a shilling or a sixpence as if they had no previous acquaintance with each other whatever.

Have instances of grievance occurred to you, and hardship, arising out of the practice of bringing ejectments for rent?—Yes; the stamp duties, with respect to the tenure of land, of course are paid by the tenant; and with respect to a peasant, the amount of stamp duty would be more money than he could possibly command; the consequence of which is, that he deals in general upon parole, or upon a contract, written upon unstamped paper. The effect of that is, that it gives the landlord a constant power of breaking through the contract, without any remedy. Not even a civil bill action will lie for a breach of the contract, because it requires that it should be stamped before it can be produced; the consequence of which is, that every species of landlords have the means of bringing ejectments, and turning the tenants out. Before the civil bill ejectment was allowed by Act of Parliament, a landlord was cautious of bringing an ejectment, for even if defence was not made, it would cost him fourteen or fifteen pounds, at the cheapest, to turn out a tenant; but the civil bill ejectment has very much increased the power of lower landlords, for by means of that he can turn out his tenant for a few shillings; and that horrible murder of the Sheas was occasioned by a civil bill ejectment, brought in that way. I wish to express this opinion strongly to the Committee, that the Acts of Parliament, passed since the peace, giving to Irish landlords increased facilities of ejectment and distress, have necessarily very much increased the tendency to disturbance in Ireland; there have been several of them within the last ten years.

Have those laws produced this effect, by being made use of by the upper class of landlords?—Yes; they have been used by the upper classes of Irish gentry in the South. The resident gentry were in general very much involved in debt, and could not contrive to get their living; they were pressed themselves, and without making any further apology for them, they certainly used their tenants quite as severely as any one peasant did another. There were of course many exceptions; I do not mean to speak of it as an universal proposition at all.

Do you speak of the landlords, or the middle men?—I speak of both; but the landlords however, in general, are persons who have leases of lives, renewable for ever. I do not know that I include in it many, who are actually seised in fee.

Will

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Will you be good enough to mention the statutes you refer to, as having passed since the peace?—I refer to two or three. I will be prepared on a future day to give the Committee the precise statutes, but I can describe them generally; the statute that gave the power of distraining the growing crops, the acts that enabled the civil bill ejectment to be brought; the one statute enabled the civil bill ejectment to be brought, and another, I believe two others, extended it, and facilitated the means of bringing it. Those are the statutes I allude to; the precise years and chapters I shall furnish the Committee with.

Do the tenants suffer much under the *custodiam* process?—There are many instances in which the tenants suffer excessively under the *custodiam* process.

Will you explain the nature of the *custodiam* writ?—The *custodiam* is a grant from the Crown to the creditor of the debtor's land. It commences in the court of Common Pleas by a civil outlawry; and that outlawry being estreated into the Exchequer, a grant is made in the Exchequer, called a *custodiam*; the potential effect of which is to entitle the creditor to all the rents of the debtor, and to enable him, by a motion, which is a matter of course, a side bar rule, as it is called, to compel the tenants of the outlaw to pay their rents to the custodee; and also, by another order or motion in court, to demise under the court any lands not in lease. The mode in which rents are levied under it is by personal demand; and if there be a refusal, an attachment-liberty is given occasionally to distrain; but the usual course, and that most productive to the attorney, and I may add, therefore, that generally pursued, is by attachment. The outlaw will himself distrain the tenants; he has other creditors, who have mortgages and annuities, and conflicts eternally take place between them, which may be settled and ought to be settled by the court, upon motion, but which frequently are not; and when they are not, the person who actually suffers is the occupying tenant, for he is compelled, under distress, to pay his rent; and after he has paid it to one, he is attached for not paying it to the *custodiam* creditor. I have known instances, in which the wretched peasants have lain in gaol for years, under that process of attachment; and it is cruel to the debtor, because the legal expenses of it are enormous.

Are the instances numerous that have come under your knowledge?—I have been twenty-seven years at the Irish bar, and the instances are very numerous that have come within my knowledge, where, in really fair cases (tenants will collude, of course, with their landlord, and things of that kind will occur, but I have known an immense number of fair cases), in which the effect of that process has been most grievous, most oppressive; and that without the slightest tinge of blame to those who administered the law in the country.

Is not this form of proceeding by *custodiam*, a form of proceeding peculiar to Ireland, as distinguished from England?—I take it to be so, though I should speak even of Irish practice with diffidence, but of English still more so; but when we have occasion, in arguing questions, to refer to authorities, we get very little assistance from the English books. That proceeding certainly is not known in England; I say certainly, because if it were, the reports would contain cases upon it.

Is not one effect of the proceeding by *custodiam* to defeat the claims of prior creditors?—They may be postponed; defeat is, perhaps, too strong a word; they are postponed necessarily, because, in judgment debts, the priority is according to the date of the judgment; the proceedings by what is called an *elegit*, which is a mode of getting possession of either the rents or the land of the debtor. Those proceedings derive their force according to the priority of the judgment in point of date; but in the *custodiam* proceedings, it is according to the date of the inquisition.

Does not proceeding by *custodiam* tend to complicate and defeat the ordinary proceedings by ejectment?—Yes; innocent landlords are put to great inconvenience by it, because unless the attorney makes search for *custodiams*, the landlord to whom rent is fairly due and due even from a fraudulent tenant, is defeated in that ejectment, merely because he has not gone through the form of obtaining the consent of the attorney general, and bringing ejectment in the Court of Exchequer; if it be brought in any other court but that, the proceedings are often made void; and I have known instances in which landlords have lost a year's rent over and over again, and that to a large amount, merely because there were *custodiams* against their under tenants.

Have you known many instances in which a *custodiam* has been fraudulently obtained, without the knowledge of the party against whom it was granted?—I have known that occurrence frequently; I am convinced it exists daily; and I have known

known instances of *custodiams* either obtained, or at least continued by the debtor himself.

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Have you any doubt that it would be a very considerable improvement in the law of Ireland, as relating to landlord and tenant, if the practice in Ireland, or the law in Ireland, were to be placed upon the same footing, as to *custodiams*, as it is in England?—I am quite convinced that the proceeding by *custodiam* at present in Ireland, is a grievance of an oppressive nature; but I am not prepared to say, except as far as it may be merely abolished, that the merely assimilating it to the English practice would be of great good.

Have many tenants of late been turned off the lands, in the part of Ireland you are acquainted with?—Within the last eight or ten years, many tenants have been turned off the land.

Is that habit increasing amongst landlords of clearing their farms?—I think it is at a stand; the depreciation of prices made the tenants so unpunctual in paying, that many landlords have endeavoured to clear the farms of them altogether, and to hold them in their own hands, sometimes feeding cattle upon them; in general they make cattle dairies, but on the fattening lands there have not been occupying tenants for some years.

What becomes of the families that are turned off, how do they contrive to exist?—They exist among the wretched class of labourers, or they go about begging; the man goes to England or some remote parts of Ireland to get labour, and the wife and children go begging during the autumn of the year; that occurs upon some estates in fee, where there is no middle man at all; I know it in one district very extensively upon an estate in fee.

You alluded to the operation of the Civil Bill Ejectment Act, the Committee wish to know, whether that Act altered any thing but the process by which the ejectment was effected?—Yes, it did; it altered a good deal; in the first place, that Act altered and took away the exceptions which formerly existed from the ejectment; there were some excepted cases, in which an ejectment for non-payment of rents did not lie at all, as a case of infancy, coverture, and imprisonment, that Act took away those exceptions totally; it also, according to my recollection, and I believe I am accurate, altered this, that it gave ejectments against absconding tenants, as they were called, where the premises were left vacant, it gave to two magistrates the power of declaring that vacancy; and any thing that increases the power of the magistracy in Ireland, I take to be a great alteration, not for the better but for the worse; it gave that power to magistrates to declare the tenement vacant, so that it altered, by taking away the excepted cases, and bringing them within the ejectment statute altogether, such as the cases of infancy, coverture, insanity, and any person out of the realm, or in prison; it also increased the class of cases, by cases against absenting tenants deserted possessions.

You do not mean to apply the observations which you make as to increased hardship upon the tenant, which the Act imposed, to the case of absenting tenants, that is not the part of the Act of which you complain?—No, its general operation; but I have known cases where men were voted to be absenting, that really were not, and therefore cases of hardship in that respect, and I consider the Act as being liable to abuse; the theory of the Acts was, perhaps, good; I speak of their application to the state of society and peasantry in Ireland, as stimulating to insurrectionary movements, and creating an oppression upon the peasantry.

With respect to the Act which has been adverted to, which gave the power of distraining growing crops, was there not a provision in that Act to meet the case of a tenant who had already paid his rent?—As I remember there was, but that was only giving him a legal remedy against another person; it is quite useless to talk of an Irish peasant having a legal remedy; he has not money enough to pay the stamp duty upon what they call a *latitat*, the first process.

You have stated, that the usage generally in the counties you referred to was, that the tenants held by parol agreement, or by a written agreement, not recorded on stamped paper?—I stated that as one of the ill effects of stamp duties upon tenures.

You are perhaps aware, that that has not operated very extensively to the prevention of the registry freeholders, which can only be made upon stamped instruments?—With respect to the registry of freeholders, there being landlords, having a particular stimulus to register freeholders, they would go to the expense of the

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stamp duty, and besides that, the tenant there is supposed always to have an interest in the land, so that the case of traffic in freeholders is not applicable to my observation; I have known, however, many freeholders registered upon unstamped paper of late years; if the inferior officer be in that interest, the thing may take place, and easily.

In cases of the creation of freehold interest on stamped paper, have you known any instances, in which the freehold lease, though executed, has not been delivered over to the possession of the tenant, but has been kept in the hands of the landlord?—Yes, I have known instances of that, and the complaints of it are not at all unfrequent.

Arising out of that, even in those cases where there is a stamped agreement between the parties, and where therefore the tenant has a legal instrument ascertaining and establishing his right, the same species of dependance which you have already alluded to still subsists, if that instrument remains in the hands of the landlord?—It does, and I have known it exercised; certainly to exercise it at all would be improper; but I have known it exercised very improperly.

The Committee understand you to state, that you have known instances of freeholders being registered, where the leases under which they were registered were on unstamped paper?—Yes.

Can you state any instances in which you know it of your own knowledge?—I am not prepared to mention names; it would be impossible for me to state particular instances; I have known the thing occur.

It is illegal, is it not?—It must be illegal, because neither tenure nor contract for land can be made in Ireland without a stamp.

Are you aware that, the certificate runs that it is upon stamped paper?—Yes; but that is recent.

Therefore the clerk of the peace would be the person who would be in fault?—Since the passing of that Act, which is certainly a recent Act.

Are you of opinion that there is any great difficulty in making registries of freeholders without the business being very accurately performed according to law?—The greatest facility; the clerk of the peace can appoint his deputy, any man can be his deputy for the moment, and it is the easiest thing in the world to register freeholds upon the present system, without either freehold or valid tenure to constitute a freeholder; there must be first tenure, that is to say, a grant for a life or lives to constitute a freehold; in order to registry there must be at the utmost such a rent as would leave the freeholder a profit of forty shillings a year: now I have known numerous instances, where, if a peasant was made to swear that he had a freehold of forty shillings, he would have perjured himself in the grossest way; and in those instances a friendly magistrate or two may very easily get into the room; an adjournment of the sessions for the purpose of registry is the easiest thing in the world, because the Act of Parliament gives validity to the registry, notwithstanding any irregularity in the adjournment of the sessions, therefore two magistrates can come together very easily, get the deputy of the clerk of the peace to attend, and they can register upon unstamped paper if they please. They can register with the life described in such a way, that that life will be either dead or living, as they please, at the next election; John O'Driscoll or Timothy Sullivan, or any thing of that kind. Frauds with respect to the registry of freeholds are very considerable; but still it is, I take it, a very great advantage to the Irish peasant upon the whole, to have the power of voting given to him by forty-shilling freehold.

Not in this manner and under these conditions?—Not in its abuses; but I speak of abuses, which with a vigilant magistracy would be prevented or much diminished.

Do you think those abuses are general in the counties you have alluded to?—Abuses exist, but I do not think them by any means general; they are frequent.

Do you conceive that the multiplication of oaths, with reference to the registration of freeholds, and with reference to the proceedings at elections, as well as other oaths which are administered to the peasantry of Ireland, has had the effect of rendering them in any respect indifferent to the obligation of an oath?—Yes, I am convinced of it; the frequency of oaths has had a most demoralizing effect upon the peasantry of Ireland; my opinion is, that the civil bill jurisdiction of the county courts is most frightful and horrible in its effects upon the morals of the Irish people. The allowing a single individual to decide, who cannot possibly be acquainted with the bearings of character; in the first place, it is not bringing justice home

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home to the peasant, it is bringing litigation; then a single individual decides, he has an immense number of causes to decide, he cannot possibly weigh the character, for he cannot be acquainted with its shades; in the next place, it is not pleasant to him to have that task; the jury keep each other in countenance, one man is not reproached with having discredited a witness, there are twelve on the jury, and therefore they protect each other; the assistant barrister is not so, he has not that protection; then if he decides, and I have seen this to a frightful and horrible extent, if the barrister decides, he will necessarily decide in favour of the flippant and distinct swearer; the swearer who has been trained to swear distinctly up to the fact that shall constitute the law. To have a conscience is an inconvenience, therefore in the civil bill court, if he is a man of character, scrupulous of his oath, he does his friend no good at all, but the ready and distinct swearer is beyond value; and it has had this effect, that in their dealings the peasantry, in most of them, employ their children, at a very early age, to be their witnesses, and they produce them at an age that it is actually frightful to look at them. I am, in my conscience, thoroughly convinced, that if a society were instituted to discourage virtue and countenance vice, it would have been ingenious indeed if it had discovered such a system as the assistant barrister's court; without meaning in the slightest degree to impeach the integrity of the gentlemen who hold that situation in Ireland, some of whom are not very competent, to be sure, in point of intellect, but many of whom are extremely competent; and as to the appointments of the last eight or ten years, particularly, they have been improving certainly in respect of appointment.

Are not the evils which you have described as incident to the civil bill jurisdiction, augmented by reason of the places in which the court are held, which bring individuals from a very great distance, and where, consequently, their character is little known?—That inconvenience is merely pecuniary; and the hardship of travelling, that, in my mind, is but a very slight inconvenience; the great inconvenience is the immorality; when questions are tried by jury, there is a bonus held out to men to be of good character, for they obtain credit by it, and the trial by jury gives ordinarily a stamp upon character; now it would seem to me that the legislature ought to encourage, as much as possible, every thing that shall have a tendency to make character valuable; the civil bill jurisdiction, which takes away the trial by jury, takes away the tendency of value to character, and gives a tendency to flippancy of swearing.

Do you conceive it would be practicable to try by jury the number of cases which necessarily come before the assistant barristers at sessions?—I think the number of cases, in itself, a great evil; I know that the tendency is to multiply them most unnecessarily; I know that full well. I know, that in practice, decrees are obtained without a service of civil bill at all, and very many decrees. I know, in practice, instances, and the cases are not few, in which individuals obtain decrees in this way; they file a civil bill at the sessions; John Brown, for example, wishes to get a decree, and he files a civil bill at the sessions in the name of John Geary or John Sullivan, there is no service of course; he goes in, and though he is the person intending to have the decree himself, he proves the case, and gets the decree, and goes and makes the distress, and sells the goods, before there is a possibility of discovering the fraud. That has been attempted to be met by taking the bailiff up for a capital felony, as for stealing the cattle, or whatever he seized, and when the assizes came on I have seen him indicted for the felony, and he produced the civil bill decree; then it was said, it was a fraud, and the man ought to be prosecuted for the fraud and for the perjury; for the perjury it is impossible, for who is to identify the person to be the swearer at the sessions.

Is not it a phrase, perfectly understood in the country, "stealing a decree?"—Perfectly understood; I have known this flagrant instance, there was a tenant of mine, who, for a cottier tenant, was comfortable: the man had five milch cows, he got a typhus fever, which extended to his wife and children; while he was lying in that state, two decrees were stolen upon him, every particle he had in the world was sold, and he was reduced to complete beggary; when I came to the country afterwards, and he made a complaint of this, I found that the man who had done so, was also living as a tenant of mine, and I had no remedy in the world but to turn him off, for I found it impossible to institute a prosecution with success.

Do you mean, that that man owed nothing to the other?—He did not owe a shilling.

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Under what pretence did he obtain those decrees?—One of them was under the pretence of what they call “sheaf;” that term requires explanation; the outgoing tenant in Ireland, almost universally, is entitled to a portion of the crop which they call sheaf, it is in some places the third sheaf, and they talk of a sheaf of potatoes, a sheaf of twigs; and one of those decrees was obtained, under pretence of a title to sheaf; it happened to occur to the man that was taking it to file it in that way; the other was as for a debt.

And he went and swore to this?—He had it sworn to; he either swore it himself, or got somebody else to swear it.

Is not the hurry of the mode of proceeding in the civil bill court, such as to leave it open to those frauds which you have alluded to, and to many other frauds?—It must necessarily; the hurry is excessive; it is impossible to have any thing more undignified, or unlike a court of justice in general, than the civil bill court; there are two or three attornies talking to their clients on every side; they are taking their instructions, and examining the witnesses for the next causes, while the cause is going on. There is a great deal of vehemence of character about the Irish; the plaintiff and the defendant and their wives and their witnesses are all bawling, at the same time the attorney screaming. There is no poetry in saying, that justice is frightened away.

What quantity of time do you suppose is given to the disposal of those cases?—Six thousand cases have been decided in a week, as I understand.

Do not you connect the hurried mode in which the business is transacted, in some degree with the circumstance of the assistant barristers being also practising barristers in the superior courts?—Yes, I take it that it is a great evil in the system that they are practising barristers; I do not mean at all to disparage my own profession; yet we are men, and the civil bill attornies employ the assistant barristers; and the civil bill clients employ the assistant barristers; and in spite of the highest feelings of a very high profession, that will mingle; it ought not to be allowed to exist.

Then you conceive it would be an improvement upon the present system, if the office and functions of the assistant barristers were made more exclusively judicial than they now are?—I think it would be a great improvement; my own abstract opinion is, that the evil of serving process for the recovery of small debts, and the necessary increase of oaths, is much greater than any that would occur, if they were irrecoverable. I think, in the balance of evils, it would be better that small debts were irrecoverable; and I believe that few small debts would be unpaid, if there was no legal process, for no man would get credit but a man who had a character for punctuality; and that again would operate upon society as an additional bonus to character and fidelity. I think it would be better therefore if debts, under perhaps 5*l.* or more, were irrecoverable, and the assistant barristers were lessened in number, and increased much in salary, for if you do not pay the workmen well, you will not have good workmen; and that they went stated circuits, and that they tried every question by jury, and that the magistrates were not exempt from serving upon those juries, as constituting part of the sessions court, which is another evil wherever a jury is attempted in those cases; but the evils of the civil bill court are nothing in point of perjury, and every abomination, compared to the evils of the petty courts in corporate towns and boroughs, where the manor courts continue to exist in Ireland; in the manor courts, the most indecent proceedings take place; a vulgar fellow, a hedge schoolmaster, or driver to an estate, is made seneschal, that is the judge of the court; he holds the court generally in a miserable whiskey house. It is almost a universal rule that the jury will not go together, unless they get a certain portion of whiskey; and I have known instances, I say known, because they were proved before me; I have known an instance in which it was proved before me, for they reserve their quarrels for me to decide when I go to the country, that the jury decided for the person who gave them most whiskey, having declared that they would do so.

Are the juries sworn in those manor courts?—They are, and returned by the seneschal.

You are speaking now of manor courts?—I am speaking now of manor courts. I hardly know one person of respectability as seneschal; I knew one, but he was a magistrate, and he was deprived of the commission of the peace upon that account, I think improperly.

What

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What is the amount to which the manor court is limited?—That varies according to the patent. In the manor in Ireland, where the patents have not been preserved, except those which have been officially enrolled, and particularly those belonging to titles after the usurpation, the evidence of the jurisdiction is usage giving evidence of prescriptive right; and there the more aggravated the abuse, the stronger the evidence of the usage is.

Would there not be, in most of those places where those local jurisdictions exercised by seneschals exist, considerable difficulty in finding proper persons to fill that situation?—There would; they have fallen into great disrepute, by reason of the people who have filled them; and in general, it would be considered an offence to ask a man to act as seneschal.

How would you propose to remedy the evil?—To abolish the seneschal courts; I take them to be unmingled evil, increasing litigation, and a most frightful source of perjury. I know of no one advantage to be derived from them.

Do you know whether those seneschals derive fees?—Yes.

When you speak of abolishing the seneschals, you only mean so far as relates to judicial proceedings before them?—They are only for judicial proceedings; they have no other function; in Ireland, the seneschal of certain boroughs is the returning officer; I do not at all speak of him, but I am speaking of the country in general. The manor courts do nothing else.

Do not the abuses you have described in the civil bill court arise very much from the facility with which you can obtain evidence of the service of process, in cases where no service of process has in point of fact taken place?—Very much; it is the easiest thing in the world to obtain the evidence of the service of an unserved process.

In the event of the civil bill court remaining, would it not be a great improvement if the service of process were to remain in the hands of the officer of the court?—It would; but those experiments are also dangerous. Who shall answer for his fidelity; he would have at his disposal this question, who should recover and who should not.

What is the present character of the individuals who are employed as process servers throughout the country?—It is considered, upon cross examination, quite sufficient to establish that a man is a process server, in order to have done with his evidence.

Are there any circumstances which distinguish the effects of the execution of process of the seneschal court, from those which attend the execution of the decrees of the civil bill court?—Yes; murders ensue upon it, at least manslaughter; human lives are lost, and that not unfrequently, in executing the decrees; they are executed by the parties who go in a violent way; injustice has been perpetrated by the decree, which gives a natural tendency to resistance, and each party arms himself as well as he can; a battle actually takes place, and human lives are lost. I have known that.

This relates to civil bill decrees, as well as those of manor courts?—Even upon civil bill decrees those battles are fought; there is, however, something more in the civil bill decree, for the sheriff must sign that decree; and there is an attorney upon it, who, although civil bill attorneys do not rank as high as the others, yet he has a character, and will be cautious.

The execution of the decrees of the civil bill court is put in the hands of the party?—It is the sub-sheriffs frequently sign the warrant in blank; that is a bad practice, condemned of course every where.

Do you mean that the parties insert their own names?—They insert what names they please; they do not insert the names of the plaintiff. The courts of conscience are excessively injurious.

Would not the requiring of juries in civil courts have a tendency to diminish the quantity of litigation?—Certainly to diminish perjury, to increase the value of character, and of course to diminish the readiness of men of bad character to swear; it would have all the advantages of the trial by jury, which to my judgment, are very great.

Would it become impossible to carry on the civil bill suits, in your opinion, by having juries?—I think not; I think that by not allowing actions to be brought for very small sums, and by having regular circuits, six or eight circuits in a year, civil bill circuits, that justice would be brought home to the doors of the poor in Ireland, without bringing litigation and chicanery.

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Do you know what are the opinions of the assistant barristers upon this point of having juries?—I have spoken to many of them upon it, excellent and intelligent and honourable men; and I find that there is a facility in every body to believe, that he can do by himself, that he does not chuse to have assistance; the opinions of the assistant barristers are rather against it, they have a power to impanel a jury to try facts, which they never exercise, at least very seldom.

Is it your opinion, that if the business under the civil bill process was conducted with more regularity, and with more certainty as to the administration of justice, than it is at present, that that very circumstance would have a very great tendency to diminish the number of actions?—I am convinced it would; a very great tendency both upon the clients and the attorneys; and that if the attorney's emoluments were allowed to be increased at the will of his client, it would also diminish the number much by taking away his interest to multiply the number.

In point of fact, is not the jurisdiction exercised by the assistant barristers on the Crown side beneficial; is it not conducted with the greatest order and the greatest regularity?—I think the assistant barrister is decidedly useful in Ireland, on the Crown side.

THIRD DAY.

Martis, 1^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

Daniel O'Connell Esq. again called in, and examined.

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1 March 1825.

ARE you of opinion that sufficient time is allowed by the assistant barrister at the Quarter Sessions, for the business of the Crown court?—As the Crown business is done at present, I do not think that sufficient time is allowed; it is not, strictly speaking, the duty of the assistant barrister; he is only one of the magistrates, and his duty being the civil business, he feels, as it appears to me, that he discharges his duty if he does the civil business; and then the criminal business being matter of supererogation, he is anxious to get rid of that as fast as he can; therefore I do not think that sufficient time is given to the criminal business.

Does his attendance upon his professional duties in Dublin interfere with his duty as assistant barrister in the Crown court?—Yes, my opinion is that it does; the more an assistant barrister is employed in Dublin, the more efficient he ought to be, the success being evidence, as I conceive, of his efficiency; and therefore the more efficient any man is, the more it is his interest to shorten the time below, and to be in Dublin attending his own business, so that the best workmen are necessarily in the greatest hurry to get rid of the civil business.

Is the assistant barrister by law chairman of the Crown court?—I take him to be chairman of the Crown court by law, but with a single voice only; according to my judgment, no casting voice, and I have known him over-ruled by the magistrates, and I never knew him over-ruled, that he was not improperly over-ruled; upon the whole, I think the attendance of a barrister at the sessions calculated to do great good, and no harm at all, if he had leisure enough to attend to it.

How is the business conducted in the Crown court generally?—Very badly in the southern provinces, with which I am acquainted practically; I know nothing of the northern sessions, the province of Ulster, but in the others it is badly conducted; the grand juries are selected from improper persons, low persons; the vendors of spirits and beer find it a profitable trade to be grand jurors, because they can vote against the finding of bills for their customers; the grand jury therefore, in general, is badly constituted, so that of late I have known some assistant barristers make out a good grand jury out of the half-pay officers who happened to be resident in the neighbourhood.

You

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You do not apply that observation to all the southern provinces?—No; but my opinion is, that in all the southern provinces the grand juries are not well selected; as far as I know, they are not—I mean the grand juries at the quarter sessions; I do not, of course, speak of the grand juries of the assizes; no gentleman who is in the commission of the peace can be upon that grand jury at all, for he is part of the court; so that all that class are thrown out of it; and such gentlemen, for there are several who do not condescend to take the commission of the peace, or who do not wish to take it, would feel themselves hurt, as far as my knowledge goes, if the sub-sheriff were to summon them on the session grand jury.

Can you point out any other class but magistrates who are excluded from those grand juries?—No; revenue officers are by the statute.

Is it the practice to appoint Catholics?—As far as I know, it is; I do not know that in the south any religious distinction is made on the sessions grand juries at all, or if at all, very little; it is certainly not a subject of complaint.

What is your opinion with respect to the appointment of petit juries at sessions?—It is equally bad, or perhaps worse; the criminal practice at the sessions is to have almost every cause tried with a double aspect; a prosecutor in the one number, as soon as he has given his evidence, goes into the dock, and the prosecuted comes upon the table to prosecute; they send up cross indictments; there is scarcely any doubt that mutual batteries have taken place.

Are there cross indictments in cases of larceny?—They scarcely ever try larcenies at the quarter sessions in the south; in the county of Kerry, with which I am best acquainted, I have known but one or two instances of petit larceny tried at sessions.

Are the proceedings of the court conducted with order and regularity?—No, they are not, except when the personal character of the assistant barrister is of a more decisive nature; it depends altogether on the decision of the individual; for example, the gentleman who filled the chair in the county of Limerick, a most respectable gentleman, Mr. Lloyd, kept his court in great order; I have known other very valuable men, who have not kept their courts at all in order.

What class of the profession practise in those courts?—Barristers scarcely at all, except in the county of Cork; there are some barristers who are resident; from the quantity of property in Cork, it forms a kind of exception; I understand there is a little of that in Waterford also, or rather there was; but in Cork, from the quantity of commercial property, and the Recorder of Cork, Mr. Wagget, having qualities to make him an excellent judge; he is a gentleman of private fortune, who was in a very successful career at the bar, and was qualified to reach the very highest stations in it; that gentleman is Recorder of Cork, with a very small salary, which he has repeatedly refused to allow to be increased. In his record court the trial is by jury, and the pleadings are in his court regularly filed, as regularly as in the courts above; he sits at least once a week to try records, and tries questions of very great magnitude; there is a bar established in Cork by that means; out of Cork, with the single exception of Waterford, I believe there is no local bar; the consequence is, that the sessions business is done altogether by attornies, and the class of sessions attornies is not the most respectable; but I should say, that very respectable men also do practise, especially the young men of respectable connexions, and in the commencement of their career practise in the sessions.

Is it considered discreditable for a respectable attorney to practise in the court of quarter sessions in Ireland?—It still continues to a considerable extent to be so; it was considered quite disreputable, and it was so by reason of some of the leading men of the profession of attornies having formed rather a fashionable club in Dublin, into which it was a rule that no man should be admitted who practised in the sessions court, so that they themselves stigmatized the sessions practitioners; that, however, is diminishing, from the reason I stated, that respectable young men do certainly now practise; the relaxation of the Popery laws has given a better class of attornies than existed in the counties before.

Are the fees regulated by Act of Parliament?—The fees of the Civil Bill Court are regulated by Act of Parliament. I am ignorant whether the fees of the Criminal Court are regulated by Act of Parliament or not.

What is your opinion with regard to the effect of those fees in preventing respectable attornies practising in those courts?—I am persuaded that the limited nature of the fees is an evil every where; that prevents respectable attornies practising when

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when they get into general business; and it has a natural tendency to excite attorneys, when they do practise, to multiply the number of cases, in order that the number may make up to them emoluments which ought to be created by a lesser quantity.

Since the stamp duty has been taken off the process, is it not in the power of any man to summon another, and place him under the vexatious circumstances of being called upon to appear in court, without incurring any expense whatsoever?—It is, certainly; he can do it, of course, at a great deal less expense since the stamp duty was taken away; but as long as courts exist for the recovery of small debts, which I beg again to say, as far as my own humble judgment goes, is against that judgment, I think it would be better not to have courts for the recovery of small debts, but as long as they do exist, the cheaper they are made, in my opinion, the better; the principle seems to me to be cheapness; my great objection to those courts is the immense quantity of perjury they necessarily engender.

Your observations apply only to the southern provinces, and not to the northern?—I have said so, that is, when I speak from my own knowledge; a great deal (speaking from information) of the mischief of civil bills, I understand, does extend also to the northern districts, but I do not know it of my own knowledge; I know nothing of the mode of impannelling grand juries in the north, even from hearsay, if I may be allowed that phrase.

Are you acquainted with the manner in which justice has been administered by the magistrates throughout the south of Ireland?—I think I am; it has made a very unfavourable impression upon my mind. The mode of administering the criminal law by the magistrates has been very bad, and continues, though the petty sessions have given some improvement, to be, in my judgment, bad.

Can you state, generally, any practices which have prevailed, which have rendered the administration of justice such as you have described it to be?—The administration of justice is divided into ministerial acts, which are preparatory to trials in criminal courts, and judicial acts, where the magistrates inflict penalties and decide cases. Now, in ministerial acts, there was a great flippancy in sending persons to trial upon informations brought in writing to the magistrates, and sworn to without due examination or caution, so that in the southern counties the difference was very great between the number of persons found in the calendar at such assizes, several of whom were months in gaol, and the number indicted; and a very great disproportion between those indicted and those convicted; now, a vigilant and a paternal magistracy would certainly have prevented those cruel grievances.

Have abuses prevailed with regard to the manner in which summonses for attendance have been granted?—Great abuses; the jurisdiction which has been extended with respect to tithes by an Act of Parliament of five or six years ago (I speak in round numbers) has been attended with very grievous consequences in many places; I know an instance, in which (it was one of many) peasants were summoned by two magistrates; the tithes being let by an absentee clergyman, who had two very large parishes, and only two or three Protestant inhabitants; he let them to an individual who did not think the people a bit the better for his being a Roman Catholic himself; I have known him to get summonses from two magistrates who resided nineteen miles from the farm, and the people went with their witnesses the nineteen miles; and as soon as it was found they had their witnesses, and were ready for the cause, the magistrates at once adjourned the court for a week; so that they had thirty-eight miles to travel, with their witnesses, without effect.

Were there magistrates resident nearer than the nineteen miles?—Oh, yes, many. Those two magistrates were certainly very singularly circumstanced, for one of them is in the dépôt for transported convicts, and the other I saw discharged as an insolvent the other day; they would have harassed the people three or four weeks more, if I had not been in the country.

Is it not the case, that the party who sues for tithes before the magistrates is empowered to choose the magistrates before whom he will bring the cause?—Certainly.

And there is no option in the party complained against?—None in the world; as I remember the Act of Parliament, however, there are some exceptions. Magistrates who are tithe-owners are, I think, excluded; but then, if they do act, what is the remedy of the peasant? only an application to the Court of King's Bench; it is quite idle to talk of that to an Irish peasant.

Are

Are either of those magistrates, to whom you have referred, still in the commission?—No. *Daniel O'Connell, Esq.*

How long have they ceased to be?—Perhaps three or four years.

Have any instances come to your knowledge, of abuses in issuing summonses?—Yes; summonses have been issued for very trivial matters. Favouritism subsists in the south, that is very little aggravated by any religious differences; but it is sometimes tinged with that.

Has the authority of magistrates been in any degree perverted, so as to turn it into a grievance in this respect?—Yes; my opinion is, that the magistrates, taken all together, have not that feeling that men ought to have, who hold any species of judicial station; there is not the generous sentiment of abhorrence of wrong and oppression among the class of men who are magistrates in Ireland, which there ought to be. It is a convenient thing for a man to have a commission of the peace in his neighbourhood; he can make those he dislikes fear him, and he can favour his friends; a great deal of that prevails, and must necessarily prevail in a state of society such as subsists in Ireland.

Can you mention any instances in which the judicial authorities of magistrates have been abused?—The instance I gave, was one in which judicial authority was abused; we have complaints professionally coming constantly before us, of the modes of inflicting fines for various offences; and we have reason to believe, the complaints are well founded, though it is almost impossible to procure redress for them.

What opinion prevails among the lower orders of the people, in respect of the administration of justice by the magistrates?—The lower class of the people conceive, that it is not the justice of the case that is to decide it before the magistrates, but the person who has most favour and interest; and the moment they have any thing to be decided before magistrates, they ransack the entire neighbourhood to get letters of recommendation to the magistrates.

Do they adopt any other means of influencing magistrates in their favour?—It is familiar in belief, and I have no doubt of it, that magistrates have received money and various articles: where they could not give money, eggs and butter, and fowls and presents of various kinds.

Do they ever give free labour?—Yes; and free labour where they can give nothing else; and immorality where females are interested; complaints of that description have been made, that they purchase favour in a mode which is not difficult to be understood.

What effect has the system, that has been recently introduced of bringing magistrates together at petit sessions, produced on the general administration of justice?—I think that it certainly has improved it among the magistrates at petit sessions, there being several; and it is likely, that there is at least even one of the better class, and he necessarily influences the conduct of the sessions; but when they are disposed to act harshly at all, it protects them better to act in numbers than if one was to act alone; it has that drawback.

What impression has this alteration made upon the opinion of the lower orders of the people?—I do not think that as yet it has made a much more favourable impression; they conceive, that the questions are decided by the majority of votes, and they still canvas as they used to do; it has not been in the south long enough in operation to make a favourable impression, at least to abolish and drive away the preconceived notions.

In what manner was this alteration effected by government, of inducing the magistrates to act in petty sessions?—As far as my knowledge goes, the judges, on going out on the circuits, were spoken to, to recommend it in the various counties; and I know, in point of fact, the judges did so recommend, and repeated the recommendations.

To what extent did that measure of revising the magistracy go, which was lately adopted in respect of purifying the magistracy?—It struck out some very bad men; it left in several; and it was used occasionally, to deprive of the commission of the peace most excellent men, without any cause; it was peculiarly severe upon the Roman Catholic magistrates.

Was not Mr. Garrett Nagle struck out of the commission of the peace?—Yes, but I understand he has been restored.

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Mr. Garrett Nagle was a man of very respectable character, and of an old family?—Yes, both; but in the county of Cork most of the Catholic magistrates were struck out, but some of them have since been restored.

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Do you know any thing with respect to the effect of the exclusion of the Roman Catholics from the direction of the bank of Ireland?—Yes; for the last two-and-thirty years Roman Catholics have been eligible to the situation of Bank directors, but not one of them has been elected, although an immense deal of bank stock belongs to the Catholics; in their fair proportion, it is impossible to say, that they ought not to have two or three of the bank directors always Catholics; it was injurious to the Catholic commercial men during the war; and in times of commercial speculation, I think the result has been highly beneficial to them, and accounts, in my mind, for the superior wealth of the Catholic commercial community in Dublin over the Protestant; they were thrown upon their own resources, and obliged to make fortunes by degrees, and such are men who keep their property.

Was not there a difference of opinion, with respect to the effect of the Act of 1793, as to its effect on the charter, in order to procure the admission of Roman Catholics to the bank direction?—There was; there were three opinions taken, two of them were unfavourable to the Catholics. Mr. Ponsonby, who gave one of the opinions, was afterwards himself astonished at having given it; whether it is that we conceive ourselves better lawyers now, from attending more exclusively to the profession of the law, I cannot say; but no lawyer at present in Ireland, has the least doubt on the subject, that they were eligible all along.

By the Act of 1807 or 1808, when the bank charter was renewed, there is a clause saving all rights that existed under the former Act of 1793?—As I remember there is; I speak from recollection not recently refreshed; if I recollect right, there was a clause brought in to empower Catholics to become bank directors, and that Sir Samuel Romilly declared in the House, that it was not necessary; I may be mistaken in that, but I understand it to be the universal opinion of the profession, and speaking of so humble an individual as myself, I have no doubt that Catholics are eligible.

But no Catholic has been, in fact, ever yet elected?—No Catholic in fact has ever been elected.

Do you know whether, in the subordinate officers employed by the Bank, there is any instance of any Catholic being admitted to a clerkship, even in the Bank?—I understand there are six or seven instances, or from that to ten; but the thing in Ireland which is most grievous, is not perhaps the letter of the law that excludes the Catholics, but the spirit in which the letter is acted upon.

Do you know whether there are any other instances in which the Act of 1793 rendered the Catholics admissible to offices not immediately under the government, but in different departments, to which they have never been admitted?—To franchises, such, for example, as the freedom of the city of Dublin; for the same period the Catholics have been admissible to the freedom of the city of Dublin, there has not, I believe, been a single instance of a Catholic obtaining that right; in general, the persons were too poor to enforce it. At my own expense, I found a man of the name of Cole, and I got a peremptory *mandamus* from the King's Bench about five years ago, but he died in a fortnight after; and from that until the present year the matter rested, when some means were found to bring on the question again. We have obtained a *mandamus*. It is not returnable as yet; it will be returnable the next term. In a case in which the individual had been a Protestant, he would have been admitted at once, and it was so sworn in his affidavit, and not denied in the affidavits of the corporation, on showing cause, as I recollect.

Do you know whether, in other corporations, the same adherence to the exclusion is still continued?—In the corporation of Limerick, as much as in the other; but that was rather to keep it in the hands of a particular family; the religion mixed there with self interest. In Cork it is an inconvenience, but it is not so strict. I am not aware of any other corporation in which it has had that effect, and that particularly, because the corporations with which I am acquainted are not, in general, open corporations, except Dublin.

Do you know the circumstances of the corporation of Waterford?—I am not acquainted with the details of that corporation; but there are Catholic freemen there, and there are Catholic freemen at Cork.

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You have said, in answer to a question, that you attribute, in some degree, to the exclusion of the Roman Catholics from the Bank, the superiority of their wealth in Dublin; on what observation do you ground the alleged fact, that the Roman Catholics are superior?—Many circumstances have made me very intimately acquainted with the city of Dublin, and the commercial men in it. There is, first, my professional opportunities; one reason also is, the political part that I have taken, which has brought me into immediate connection with the Catholic mercantile men. The opposition to us has made me know, tolerably well, the Protestant commercial men; and both causes have given me a knowledge of what we call the liberal men. Now from those causes combined, I am able to say, with a good deal of confidence, that the preponderance of the commercial wealth in Dublin is with the Catholic merchants. My profession gives me private information of the amount of property.

Do you mean to include in that, merely the Roman Catholics themselves, or that proportion of the Protestants supposed to be favourable to their opinions?—I mean to say, that the Roman Catholics themselves have the absolute preponderance, in my judgment.

Can you form any estimate of the commercial wealth of the city of Dublin, on the whole?—I should be afraid to state any guess upon that subject.

You have mentioned the spirit with which the laws have been administered in Ireland; what influence has that had, in respect to the concessions made to the Roman Catholics in the year 1793?—It has not allowed those concessions to go fully into effect, as the legislature intended. The instances I have given are instances of that description where the legislative benefit has not been realized. There are others.

Have you ever known, in the case of purchases made by Roman Catholics of landed property in Ireland, any exception taken to the purchasing of lands, the title of which depended upon confiscation or forfeiture?—No objection, certainly; on the contrary, in advising a purchaser to buy, as a professional man, I infinitely prefer that it should have been a forfeited property, and for this distinct reason, that then the origin of the title is easily traced; for after the usurpation, all those who obtained forfeited property took out patents for it, and therefore we easily find the patent, and direct the searches merely for subsequent periods; so that I take it to be an additional advantage in carrying an estate to market in Ireland, that it was a forfeited estate. I myself, in the small property I possess, have lands that are forfeited.

Have you ever known purchases of landed property in Ireland, to a considerable extent, made by Catholics?—Yes; and indeed, circumstances having placed me a good deal in the confidence of wealthy Catholics, and knowing a good deal of their purchases, I do not think I could call to recollection the purchases, by Catholics, of any thing but forfeited estates. The instances in which they have purchased them are beyond a doubt very numerous. I speak from positive knowledge.

The Catholic body, as a body, would have no interest in reversing the forfeiture?—The wealthy Catholics would be ruined by it.

Have you any means of informing the Committee, what proportion the property that never was forfeited bears to that which was?—It must be extremely small. I know of but one instance within the scope of my knowledge, of a property that never was forfeited, and I possess that myself.

Then the inference to be drawn is this, that almost the whole of Ireland has, at one time or other, been forfeited?—I believe the whole of Ireland has been two or three or four times forfeited. The northern forfeitures were, many of them, in the reign of Queen Elizabeth; the southern were at the Usurpation, and again at the Revolution. During the reigns of James the First and Charles the First, there were immense forfeitures, both in the north and in Connaught.

There were some in the reign of Edward the Sixth?—Yes; those were principally church lands.

The quit rents, which show pretty well what estates have never been forfeited?—I take the distinction between crown rents and quit rents to be this: crown rents show where it was forfeited; quit rent, in its signification, was a kind of composition for a bad title, for quieting the title, and may exist as well after forfeiture as in lands not forfeited.

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Is it within your knowledge, that there is a considerable sum lent out by Catholics on mortgages of estates, in addition to the land purchased by them?—Very considerable, in addition to their landed property. Except in Dublin itself, the Irish Catholics have not, until latterly, got into the habit of placing their money in the funds; they have lent their money on landed security. Judgments and mortgages were, till lately, considered nearly equal in value, in practice in Ireland.

Are there not a considerable proportion of the tenantry greatly interested in the present state of things, by the possession of very long leases?—There are; and on forfeited estates I am quite convinced that any measure so ruinous to all the wealth and property and intelligence of the Catholics in Ireland, as any attempt to get back for the old proprietors, if they could be traced, the forfeited lands, could not be devised; in short it is a thing utterly impossible.

Do you believe that any attempt to do that, would create general alarm among the Catholic body in Ireland?—I am convinced it would not only create general alarm, but that if they had the least notion it would be done, there is nothing which would excite to actual civil war so soon.

Can you institute any comparison between the state of Catholic property now, whether landed or personal property, with what it was previous to the year 1778?—In numbers or numerically, I cannot do it; but it has increased (the only phrase at all to express such increase is) enormously, and it is increasing every day; the Union has tended very much to encrease the resident Roman Catholic property in Ireland; it drained off for every purpose of colonial government, and from the expectation of promotion in the army and navy, the Protestants; the Protestants being of a wealthier class, when the war prices fell, they could not endure the misery which the Roman Catholic peasant endured from habit, and therefore they auctioned off every thing, and went off to America in numbers; these things, as far as I have observed, have a daily tendency to encrease the resident numbers, strength, and wealth of the Roman Catholics of Ireland, as compared with the Protestants.

As compared with the period antecedent to 1778, your opinion is, that the Catholic property, in proportion to the Protestant property, is infinitely greater now than it was then?—Beyond any possible comparison certainly, and that applied to every kind of wealth; the Catholic commercial property was very much shaken before 1778, by the decisions, which made judgment debts discoverable; which means, that when a Catholic had a certain kind of property, any person filing a bill in chancery, merely stating the owner of the property to be a Catholic, and that he the plaintiff then was a Protestant, he was entitled to a decree for the property.

The state of the law before 1778 was such, that accumulation of property in the hands of a Catholic was difficult?—Of landed property impossible, but even of personal property, the moment they laid it out on any security affecting land, and a judgment in our country is not a lien on land, but is convertible into a lien, it was held that the convertible nature of the judgment into a lien on landed property, though not brought into action by what we call an *elegit*, still rendered it discoverable.

Are the Committee to understand, that it is your opinion, that of the emigrants a much greater number of Protestants have gone to the Colonies and the United States, than Catholics?—A great number of poor Catholics, but of the wealthier yeomanry a greater number of Protestants; for the Catholic yeomanry arose only during the war, and they descended more easily into an inferior station than the Protestants, who had never been in so low a state.

You have stated that many Roman Catholics are very unjustly excluded from being members of particular corporations in Ireland?—In the city of Dublin especially; and I understand Derry, but I may be mistaken.

Are you to be understood to state that to be more in practice than in law?—The law certainly does not exclude them.

Has any remedy ever occurred to your mind to prevent this practice?—Yes.

Have the goodness to state it?—By making it punishable by a pecuniary fine, to refuse the undoubted right of a poor man, and by giving double or treble costs, which would easily encourage respectable attornies to speculate, by advancing their own money to enforce the right; if treble costs were given, the attornies would be naturally looking out for the clients.

Do you think that would be a perfect remedy in all cases?—I think it would be an excellent if not a perfect remedy, because it would go to the extent of the evil, perhaps.

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perhaps if I had the preparing an Act of Parliament, some legislative provisions to facilitate the modes, so as to prevent the applicants from being defeated in matters of form, where in substance they were correct, might be made; but with the two things together, preventing the right being impeded by mere technical forms in the corporation, with which by-the-by, a man who is not already in the corporation, cannot be so well acquainted, and a provision of this kind, that every question of right should be the matter tried, and tried in one of the superior courts, for example the court of King's Bench, and there need not be a better, the thing would perhaps approach to perfection; but we should not do any thing to encourage persons not entitled to the right, unjustly to claim it; that would be an evil.

Have you ever looked at the Act which has been passed here, for the admission of freemen, or for the regulation of their claims, in the town of Coventry?—Never, I have not seen it.

Do you apprehend it would be a beneficial regulation, if in every corporation, they were bound to examine the claims of freedom, at the first meeting after the petition for freedom was presented, previous to doing any other business, save and except the election of mayor or sheriff?—I think that certainly would prevent what is called in Ireland “cushioning,” a technical phrase, referring to the not deciding upon the claim at all; that is a practice which has been much complained of.

Do you think that if means can be devised to prevent the application of the corporate funds by the corporation, to the vexatious defences set up against applications for freedom, that would have a beneficial effect?—Certainly; if I had had it in my contemplation when I answered the question awhile ago, I would have added, that it would be a great additional advantage, if, where an unfounded resistance to a just claim was made, it might be in the power of the judge to certify his opinion of the verdict, and then that the individuals should be themselves responsible, as well as the corporation funds, and that the corporation might have a remedy over for the costs which they were put to, against the individuals; a legal provision to some such effect, would probably diminish the resistance to the claims of poor men.

Have there been many applications within your knowledge, to the court of King's Bench, against the corporation of Dublin for refusing admission to that body?—Very few; I have known but of two instances of Catholics applying. Coles, the man for whom I applied, had an unquestionable right, but he never would have applied if I had not done it at my own expense; the Adcocks and Henderson, for whom we lately applied, had certainly a right, but they never would have applied if we had not done it for them. They were the children of Protestant parents; their father had exercised the right till the very moment of his death, and the grandfather in the case of Adcock.

Do you recollect any case of an application in respect of the corporation of Derry?—No, I do not know it; I have not heard much of Derry, beyond what I have already stated.

Have you known of applications made for the franchise in other cities, besides Dublin?—Limerick is familiar to me.

Those applications have been continued for many years; have they not?—Those applications have been continued for many years; the Limerick corporation, being experienced in the modes of delay, and they have used an extreme deal of ingenuity to interpose delays; they have, under the appearance of fairness, instituted tribunals to try the right themselves, in the first instance; the real meaning of which is, a tribunal to exclude, in all possible cases, as many persons as possible.

Are you quite sure that the Adcocks and Hendersons were Catholics?—I am quite sure; I prepared their affidavits, and saw the Adcocks take the Catholic oaths.

Do you know any thing of the case of a Mr. Kirkland?—Yes; I know Mr. Kirkland very well.

He is a Protestant?—He is a Protestant, but I do not know of what class; all Protestants are on an equality in Ireland as to civil rights.

He has applied to the corporation of Dublin for his freedom?—I understand he has applied, and I believe more than once, but he certainly has applied, and I understand he has been refused; he has given proofs of what we call liberality, and that is almost as bad as popery in the eyes of the corporation.

Do you know any thing of the foundation of his claim for admission?—No, I do not.

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Do you think it impossible that the corporation of Limerick, in instituting the tribunal to try the right, had nothing else in view but to defeat it?—I have known a great deal of the corporation of Limerick, and I am quite convinced that they had nothing else in view; they have used every species of dexterity for years to avoid the trial of the right, and to leave the corporation and its property in the hands of an individual, who appoints the sheriff, and every thing of that kind. I was present when a gentleman declared, that his uncle had not nominated the two sheriffs, for it was he who had nominated them; that his uncle had given him, for two or three years, the nomination of mayor and sheriffs; this occurred in a court of justice.

On what occasion was that?—The name of the case was "Lord Kiltarton against Mr. George Pitt," a barrister; Pitt was sued as assignee of a covenant. The case was tried before my Lord Chief Baron; we, for the defendant, challenged the array of the jurors, on the ground that both Sheriffs had been nominated by Lord Kiltarton, the Plaintiff; and when the challenge was given in, the gentleman I allude to (I do not wish to mention his name), got up, and said in open court, "Do not persevere in that challenge, for, upon my honour, for the last two or three years, my uncle has given me the appointment of mayor and sheriffs, and all the members of the corporation; and it was I who nominated the present Sheriffs, and not my Lord Kiltarton."

What was the year in which this happened?—I cannot mention the year, but I believe about 1811; it was at least as early as that.

Do you put the corporation of Dublin and the corporation of Limerick on precisely the same footing?—By no means. The corporation of Limerick has been the property of a single individual, its revenues and all; the corporation of Dublin certainly has not; it has belonged to a party, but not to an individual.

You do not think the cases are in any degree parallel?—It would be going too far to say they are not, in any degree, parallel; they are parallel to a certain extent; the lines extend the same way, but they are by no means co-extensive.

Have you ever known of any Catholic sitting upon the commission grand juries in Dublin?—I have heard of Catholics, I think, sitting upon the commission grand jury; that has been a disputed question; but my own recollection is, that on the commission grand juries they have, but on the term grand juries, in the city of Dublin, never; though for thirty-three years they have certainly been eligible to that situation.

Do you suppose the reason of that to be, that in the term grand juries they have the power of raising money on the citizens by presentment, and not on the commission grand juries?—I do not think Catholics would have been on the commission grand juries, if they had any power of raising money, or the general power of appointing to various offices; the term grand jury in Dublin has a great deal of patronage, as well as the power of taxation to a great extent; it is, in my humble judgment, very badly constituted; there are men of very small property upon it constantly, while Catholics of great wealth, who are taxed by those men, are never on such grand jury.

Do you find that that exclusion extends as much to the rich Protestant merchant, as to the Catholic merchant?—There are rich Protestant merchants excluded certainly; but if a rich Protestant merchant thought it wise to meddle in corporation politics, he might be easily upon it, unless he was a gentleman who took what we call the liberal side; but any Protestant merchant, who chose to meddle in corporation politics, of wealth, would easily be upon those grand juries. The members of that grand jury are principally supported by offices under the police aldermen and sheriff's peers and so on.

Do not those grand jurors principally consist of the corporate officers?—Yes.

Is it not within your knowledge, that the greatest proportion of the wealth of Dublin is excluded from those corporate offices?—Practically I think it is, for the corporation is in general constituted of men not wealthy, or not commercial men; but that is because they are excluded by reason that several of the wealthy Protestants do not think it worth their while, and not having an adequate object to become corporators; those poorer persons make money of it, and have patronage, which is equal to money; they therefore devote themselves to the measures which bring them forward in the corporation.

Do you think that because a man in Dublin is a Catholic, whatever his wealth and respectability may be, he is more excluded from sitting on those grand juries, which have the power of raising vast sums of money, than a Protestant?—Certainly, much more; for example, the law as it stands at present precludes him from any

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any office in the corporation; a Catholic at present cannot be mayor, or sheriff, or alderman, or common council man; he cannot be master or warden of any of the guilds; he can hold no situation in the corporation but that of a mere freeman; and as the grand jurors are constituted almost entirely of corporation official men, therefore they are infinitely less likely to be on the grand jury than Protestants of any class.

Does there not exist as much dissatisfaction among the wealthy Protestant community, at being excluded from those grand juries, as exists among the Catholics?—I do not think the degree is as great; there does exist dissatisfaction certainly. I believe the wealthy Protestant merchants concur with the Catholics in being dissatisfied with the present system, and are much dissatisfied with it; but this dissatisfaction is embittered to the Catholic by religious dissension, to a degree which increases the unpleasantness of the feeling a great deal.

Is it your opinion, that there is no remedy for those inconveniences that arise out of the corporation system of government, except by a total change in the charter of incorporation?—I do not think a total change at all necessary; I think, by a fair and liberal spirit actuating the government, and particularly the not giving promotion in the various offices in the patronage of government, to violent partizans of any kind, much may be done to bring the corporation of Dublin to be practically useful; but I think, as the offices are given only to those who distinguish themselves in a particular way, it is a stimulus to that course.

Can the government prevent the corporation distributing the offices in their gift, as they like?—The government of Ireland, I take it, have complete control over the corporation of Dublin; for there are so many offices in the gift of government, removable at pleasure, to be given to Dublin corporators, particularly those connected with the police, that if the government chose to point out that they should shape their course in a different way, the thing would be done in half an hour, as I conceive; I mean, very speedily.

Do not you think, that some events have happened lately, which prove that the government have not that complete control over the corporation?—I think not; the Irish government is divided; there is a certain portion of it with which the corporation acts, and whose power enables the corporation to act against another portion of it.

You have stated, that Protestants are excluded as well as Catholics from serving on the different grand juries, as being what you call Liberals; you mean by that, those that are considered generally favourable to the Catholic claims?—I do.

Do you conceive that, under the present system, that prejudice exists against the admission of Protestants into any offices, who do not maintain opinions favourable to the Catholic claims?—Yes; so much so, that it would be utterly impossible for any man who entertained an opinion favourable to the Catholics, to become a Sheriff of Dublin, utterly impossible; on the contrary, no man can now be Sheriff of Dublin, who does not give an unequivocal pledge of his hostility to the Catholics.

Does that extend to all offices, to that of Lord Mayor?—No; the Lord Mayor is generally taken in a certain rotation. There are some aldermen, liberal; Alderman M'Kenney is a liberal man, and Alderman Smyth, the late Lord Mayor, also.

Are the majority of the aldermen supposed to be liberal?—The majority of the aldermen are supposed to be liberal, or at least disposed to liberality.

Explain how you account for the circumstance, as no person can be alderman who has not served the office of Sheriff, of its being necessary to give that pledge, before men are elected Sheriffs?—The pledge has been of a later date. There was a time when a better feeling existed in the corporation of Dublin; and the revolutionary principle, which had a bad effect elsewhere, made a kind of community of feelings among the Irish, in many instances; and there were a class of men who grew up and got into wealth, being corporators, who, without going to the extent of revolution, had liberal political notions generally, and some of that party have got into the court of Aldermen; they are most worthy and excellent men.

What is the pledge of hostility which a high Sheriff of Dublin is obliged to give, before he can fill that situation?—He is obliged to give a pledge of toasting at all public dinners, that which is considered, and intended, as an insult to the Catholic population, "The glorious and immortal memory."

Do you consider drinking that toast, a pledge of hostility against the Roman Catholic population of Ireland?—It certainly is in Dublin, and generally, in Ireland
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it is considered so, and, as far as I have ever heard, intended as such ; I never knew any man give it in public, that did not mean it so.

"The glorious memory," is, the health of King William?—"The glorious memory," is not the health of King William alone, for it is current in Ireland with the brass money and wooden shoes, popery and slavery, and a great deal more.

What is the date of that pledge?—I cannot exactly say. In the south, it would not be done at all.

Do not Roman Catholics frequently drink the health of King William?—I have known Catholics give the health of King William, as I should give it myself, as an assertor of the principles of civil and religious liberty.

Do you think it is ever drunk with that feeling by the high Sheriff of Dublin?—Never ; on the contrary, the high Sheriff of Dublin drinks it, with a view to put down civil and religious liberty.

Can you say what is the sense in which a man drinks a toast?—Yes ; from the general tenor of a man's conduct, and the preceding discourse ; and many of those gentlemen to whom I impute that, would be greatly astonished, if I formed any other notion of it.

On what occasion does the Sheriff give that pledge?—There is, generally, a meeting at Morrison's, previously to an election of Sheriffs, of the gentlemen who influence the elections in the common council ; they arrive about the hour of eleven o'clock, and they canvass who shall be Sheriff ; and no man has any chance, at present, of succeeding, unless he gives the pledge ; and when the corporation meet, it is announced openly, that he has pledged himself to give that toast.

Has not "The glorious memory" been drunk by the corporation of Dublin for many years ; is it not a sort of charter toast?—I do not think it has ; the impression upon my mind is this, for some time after I was called to the bar, I do not think it used to be drunk ; and, certainly, it was given up for some time.

Do you believe that the corporation of Dublin, or any other gentlemen, could really intend to give that toast as an offence to the Catholics ; or is it not more likely that the Catholics have taken this as an offence to themselves?—No ; certainly they mean it as a sign of superiority and triumph, and that they determine not to allow the civil equalization of things that we are seeking for ; it is a kind of Shibboleth of party, denoting foregone triumph, and bespeaking future degradation to us.

Are those feelings expressed in the toast, as announced?—In general they are ; and, as appears by the newspaper reports, in the most offensive shape. We know of them, of course, only from the newspapers ; they are generally accompanied by very violent declarations of hostility to the Catholic claims.

What do you conceive to be the date of the Orange Association?—About the year 1795, is the date of the Orange Association.

Have you any doubt that that toast has existed, and been the usage, ever since the reign of King William?—I am sure that particular toast has existed ever since the Revolution ; that is the reason that quite convinces me of its offensive nature, for it was a kind of charter toast after the violation of the treaty of Limerick, and the enactment of the penal laws ; it was one of the pledges that kept men together during that period when the Catholics were thus excluded, and all the invasions upon their properties and rights committed.

The Committee may collect, that it has not been taken up as a recent invention, for the purpose of insult, but merely persevered in?—Persevered in ; and felt more, as the government and the law have become favourable to the Catholics ; while the government was hostile to the Catholics, the individuals giving this toast were considered quite in accordance to the government, and not noticed ; but when the law put the Catholics, to a certain extent, under the protection of government, and we became, to a certain degree, subjects, the Orange party, with their great and volunteer association going beyond the law, and threatening us beyond it, the toast had an effect which it had not before.

Do you believe that, in point of fact, the Catholics used to take offence at it, thirty or forty years ago?—Yes, I am quite sure of that. I have known among Catholic gentlemen, and persons of an orange cast, quarrels arising constantly ; and their considering it a personal offence, and retaliating in an offensive manner on Protestants who pledged that toast in their presence.

Have you not heard, that about thirty or forty years ago, the Roman Catholic gentlemen used to join in drinking the toast?—Yes, as "The glorious memory ;" after the year 1782, there was a better spirit created in Ireland between the Catholic

tholic and Protestant; they almost forgot their dissensions; and at that period, if "the glorious memory" had been given in the presence of a Catholic, he would have joined in it; for, after all, the spirit of civil and religious liberty is as dear to us as to the Protestant.

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Do you not believe that the Roman Catholic population in Dublin used to turn out, and go round the statue of King William on his birth-day?—Yes; the Catholics at that period fired over the statue of King William, and joined in it heartily.

You state, that the corporation of Dublin were encouraged in illiberality by a portion of the government?—I state that as my opinion; and it is very strongly my opinion.

Upon what facts do you form that opinion?—Knowing that there is a portion of the government in Ireland, what we call "liberal," and conceiving, and in the same manner knowing that there is a portion which we call "illiberal," and seeing that the men get promotion in the city of Dublin, who belong to the illiberal party, I think, to my mind, there is not so decisive a proof of encouragement as giving office and emolument.

Can you state the cases in which that has been done?—It is not pleasant to name individuals, but I will name Alderman Darley for example; he is notoriously an extremely illiberal person, he has lately been promoted, by getting an additional office estimated at 760*l.* a year; Alderman Fleming was the rival candidate, but Alderman Darley was preferred by the illiberal and more powerful part of the Irish government; the contrast between the two is very striking to us, and yet Alderman Fleming's liberality was not so very decided that it ought to have much injured his promotion.

Is that the only instance?—No; but take them all round, I do not think you will find one of the liberal party in office; at least it does not strike my recollection that there is one of the liberal party holding one of the offices government bestow. Alderman M'Kenny is totally excluded; Alderman Harty, who is liberal, is totally excluded; Alderman Smyth, I believe, has got no situation under government, and he is liberal; and I undertake, if the names are mentioned of those who hold the offices in the gift of the Irish government, they would all be found to be the fiery partizans of the Orange faction.

Can you state how many cases have occurred during Lord Wellesley's administration?—I cannot state how many, but all that occurred were of that description; it would, however, be unfair to attribute it to Lord Wellesley personally.

Can you conceive any reason why Alderman Darley should be preferred to Alderman Fleming beyond differences in their religious opinions?—I cannot; I am not in the state secrets; but I believe Alderman Fleming to be a very worthy man.

Have you any reason to believe that, for a great number of years back, Alderman Darley has ever attended any Orange lodge or society?—Attending Orange lodges is not to my mind a criterion; I suppose, since the passing of the Act of last year, he has not attended, but he is linked as much with the Orange party as possible.

Have you any reason to think that, in any one instance in the discharge of his duty as a magistrate, Alderman Darley has ever shown any favour or partiality to a Protestant rather than a Catholic?—I am not sufficiently acquainted with the detail of his duty in his office, and besides, in his office there is a barrister or two; I do not insinuate that it is so, but certainly I would rather be an Orangeman than a Catholic if I was going into his office.

That is your own opinion rather than a fact?—Alderman Darley was an Orangeman notoriously; some years ago he was the person that, immediately after the king left the room when he was in Ireland, gave the offensive toast, insulting the king himself; the strongest instance imaginable in my judgment; so that it is not my opinion merely, but is founded on facts of a decisive and unequivocal nature.

Alderman Darley goes to the house of those who are not Orangemen, whereas he expects the Protestants to come to his own office?—I think he had no right to come to me in this country; they do not arrest for constructive breaches of the peace.

Will you give your construction of an Orangeman?—Strictly speaking, an Orangeman is a person who has been sworn according to the ceremonies, which vary in the Orange lodges; there have been, as I understand, five or six variations in the signs and pass-words of the Orangemen; they were of a worse character, as I understand, formerly; and they have become more mitigated in latter times. The Orange system is, to my judgment, something formed upon the freemasonry;

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there is a grand lodge in Dublin; there are lodges held in the country, and affiliated from the grand lodge. No man, strictly speaking, is an Orangeman, but a man, who at one time or other had the pass-word and sign, and had taken the Orange oath, so that he could go into a lodge, as a freemason may go into their lodges; that is in strictness my opinion of an Orangeman. There are outlyers who do not belong to a lodge, and I never considered those persons, though we may familiarly so term them, as Orangemen.

Strictly speaking, do you think Orangemen, according to your definition, exist to a great number in Ireland?—Yes; the numbers are so much exaggerated by the partizans, that I am not able to form a very decided opinion upon it; I should take it there are from twenty to twenty-five thousand men affiliated in the lodges in Ireland; I must, of course, speak from conjecture on that subject.

In applying the term Orangeman in all the discussions which unfortunately take place in Ireland, do gentlemen who take part in them confine themselves strictly to the persons who are members of that society, or do they apply the term to Protestants indiscriminately?—Never; there is nothing better marked amongst us than the distinction betwixt Protestant and Orangeman; for myself, some of my nearest relations, and most of my dearest friends, are Protestants; it is universal, down to the lowest peasants, to discriminate between Protestants and Orangemen in the southern provinces.

Is there any intermediate class of Protestants which are neither what you would call liberal, nor yet fall within the description and definition you have applied to Orangemen?—Yes, there is; we make a distinction between Protestants and liberal Protestants, but we make a marked distinction between Orangemen and both those classes. A liberal Protestant in Ireland is an object of great affection and regard from the entire Catholic population; amongst ourselves we always talk of him as a protector and a friend; a Protestant who is not an Orangemen, is spoken of as a stranger merely would be, but without feelings of hostility; the Protestant who is an Orangeman, is considered as decidedly an enemy, and the extent of that enmity depends upon the peculiar education and habits of the individual who speaks of it; the peasantry speak of them as of Exterminators, I mean of a sworn or affiliated Orangemen.

Do you think that if there are twenty-five thousand Orangemen in Ireland, scattered all over the face of the country, as they are in different parts of it, it is possible for them to produce all that disturbance of which we have heard in various speeches in and out of Parliament?—I believe as far as my evidence here goes, I have not attributed the disturbances to the Orangemen solely or exclusively; on the contrary, the first day I was examined, I spoke of other causes. I do not know that it has ever been attributed to Orangemen alone; and my opinion is, not that the disturbance is created merely by their being Orangemen, nor if the number was doubled, would it be created by that.

Is not the word Orangemen frequently applied to persons who, though not members of an Orange lodge, are known by the violence of their principles to be fit to belong to it?—Yes, it is.

Is it not applied to such Protestants as are adverse to the Catholic claims?—No; there are many Protestants who are adverse to the Catholic claims, and are not considered as Orangemen; no man is considered an Orangeman who has not shown some activity in his resistance, and who has not marked in some way himself a distinction, or been supposed to have marked it, between Catholic and Protestant, or at least who is not at least accused of it.

Do you think there are many gentlemen belonging to Orange lodges who fill the situation of magistrate in the north of Ireland?—I speak of the north of Ireland from information, not of my own knowledge; I am therefore less competent to give accurate information; but according to the information I have, the impression made upon the Catholics, and those in particular who take an active part upon the subject, is, that there are a number of Orangemen in the magistracy of the north; but the great evil which is complained of is the number of Orangemen that are in the armed yeomanry.

Do you know the amount of the armed yeomanry in Ireland?—I do not; the relative proportions of the north and south are very disproportionate; in the south the number of yeomen is small, the great proportion of the yeomanry are in the north.

Supposing there are but 25,000 Orangemen in Ireland, can there be a great proportion of them in the yeomanry corps?—My opinion is, the greater proportion of Orangemen in Ireland are in the yeomanry corps.

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Have you any facts by which you can justify that opinion?—Only the information which we constantly receive from the north. In many instances the Catholics complain to us, or to me privately, and through the Catholic clergy. The information I thus receive, of acts of mal-administration of the law, and partiality, and of oppression of Catholics, and of favour shown to Orangemen; such are the sources of my information, and are my grounds for the opinions I express.

Do you consider the dissensions which unfortunately prevail between Orangemen and Roman Catholics, as in any considerable degree instrumental in having produced the disturbances in Ireland?—Yes, if not produced, greatly aggravated, and tended much to continue them, particularly by reason of the notion that the government was connected with the Orange system, and by that means creating a *recklessness* in the minds of the peasantry, and exciting a perpetual and irremediable hostility, while the Orange system shall last; but the disturbances of Ireland lie much deeper. They are created by the peculiar state of the country, by poverty, the nature of tenure, tithes, church rates, and various other matters. The Orange system aggravates and perpetuates the evil.

Can your recollection assign any instance, in which it has ever become necessary to apply the Insurrection Act to any one of the northern counties?—No.

Do not you think that rather affords a presumption that the dissensions between the Protestants and Roman Catholics have not been, in any considerable degree, the cause of the inducing the necessity of applying that Act?—I do not think it does. There are more resident gentry in the north, and there is less disturbance where there are resident gentry. There is a constant application of armed force in the north. The Catholics in the north are, I believe, more organized into Ribbonmen, and the Ribbonmen do not, if I may so say, choose to fritter away their strength in those driftless acts of outrage which the peasantry in the south do. With respect to the stability of the country, if a foreign enemy were to invade it, the north is in greater danger from its Catholic population than the south; they are better organized. We have a great deal more trouble to check ribbonism than to check whiteboyism in the south. By we, I mean the Catholic Association, and those who have taken an active part in Catholic politics.

You consider the insurrectionary movements which have taken place in the south as distinct from ribbonism?—Entirely; the only feature they have in common is, that the insurrectionary movements in the south were also coupled with secret association, and oaths of obedience and secrecy: they have that feature in common. It is astonishing to what a degree of fidelity an Irish peasant obeys his oath of secrecy.

In speaking of the influence of the Orange association in producing mischievous consequences in Ireland, do you think the Ribbon associations have been promoted by the Orange associations?—The Ribbon associations owe their origin entirely to the Orange associations; and I even think, that if the Orange processions alone were suppressed, that would go very far to suppress Ribbonism; but the men excuse themselves thus, that they must be prepared for the next twelfth of July or fourth of November, or Derry day, or whatever they call it, when the Orange procession is to take place.

Do you know at what time the Ribbon association began in the north of Ireland?—No, I cannot say when it began. My own opinion is, that it is a continuation of the Defender system, which immediately ensued on the original formation of the Orange association in the north, and was connecting itself with the French Revolution, looking at a complete revolution in Ireland, and a separation from England. The Defender association was at first confined to the lower classes, but had the bad feature of being almost exclusively Catholic, as the Ribbon system is exclusively Catholic. Before the Defender system was put down, the Presbyterians joined a good deal among the Defenders, and thus combined, they mixed with the United Irishmen when the events of the rebellion put down the Defenderism. Since that period, in proportion as the Orange irritation increased in the north of Ireland, has that of Ribbonism increased.

Do not you think the extension of the Ribbon system, within the last few years, has considerably tended to spread Orangeism?—Unquestionably they act on each other; the existence of Ribbonism makes it necessary for one perhaps to become an Orangeman, and the existence of Orangeism has certainly created many Ribbonmen.

Does not it appear that the outrages that have taken place, in the north of Ireland, have generally taken place in consequence of conflicts between the Ribbonmen and Orangemen?—No; a great many of them, in my opinion, and I have looked

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looked at them pretty closely, have originated with the mere insolence of triumph of the Orangemen, speaking of the lower classes of them. In their lodges they work themselves up into a great hatred of popery; they go out; they are armed with muskets and ball cartridges; and at the slightest sign of disrespect to them they fire at the peasants.

Do you mean to say that they go out with arms to fairs, for instance, where men of both political feelings assemble, that one party goes armed and the other is unarmed?—I have not the least doubt that if that were the subject of inquiry, it could be established that the Orangemen go to fairs unarmed; certainly the Catholics, many of whom are Ribbonmen, go equally unarmed, but the Orangemen, in general, leave their arms in a depôt, about a mile or half-a-mile from the fair. In the evening particularly, a riot is easily excited, and the Ribbonmen are equally willing to commence it with the Orangemen; then the practice has been for the Orangemen to retreat upon their arms, and take their arms and shoot away, and many lives have been lost.

Will you mention any circumstances of that kind which has occurred?—The names of the places are not familiar to me at this moment; but in the county of Monaghan, six or seven lives were lost about eight years ago in that way; but I have no hesitation at all in saying, that in the course of a week I can give many names of places where that occurred; the facts themselves have come to us very distinctly.

You stated your recollection of a riot which took place at Maghena, where the Orangemen went into that town with arms in their hands to attack the Catholics?—No; my recollection, but I speak from loose recollection, is, that the Orangemen were unarmed when the riot commenced; my recollection is, that the Orangemen were the persons attacked originally; and then, after the riot commenced, my recollection from information is, that they supplied themselves with arms.

In that case had the Orangemen formed any depôt of arms in the neighbourhood?—So I understood.

With reference to the possible events of that evening?—Yes; and there were five or six Catholics shot.

Were there any Protestants shot?—No, not one; there could not be any shot, for there were no arms on the other side.

In the case of Maghena, did the Orangemen go back to their houses to get their arms, those houses being in the neighbourhood; or had they previously prepared their arms in the depôt, with reference to the possibility of their being obliged to use them?—I understand they had left them a quarter of a mile or half-a-mile from the town, and left them in a depôt; not in their houses certainly, for they could not have gone there. That was the representation made in public.

Was there any person of any note arraigned for being accessory to this murder?—There was a Mr. Kennedy, the son of a Presbyterian clergyman, arraigned for it; he was acquitted, and I believe honourably acquitted.

Do you know the position of the town of Maghena?—Not at all; I have never been there.

One of the causes of the superior tranquillity of the north of Ireland you state to be the residence of the gentry?—So I have understood.

A great many of those gentry are Orangemen, are they not?—Some of them are, I dare say.

Did you not state the majority of magistrates in the north of Ireland to be Orangemen?—I do not know that I said the majority; from information perhaps I did; but I said many magistrates were in the north. I would not say, if I did, on reflection, that I apprehended the majority of them were; but many, and many active magistrates were.

Is it not a matter of fact in Ireland, that at the time of the Defender system, to which you allude, the Orange Association lent much assistance to the government in the suppressing the rebellion?—I do not think the Defenders made the rebellion; the Defenders were merely organized when the Orangemen were desolating the country. The Orangemen, described by Lord Gosford in his speech, turned six or seven hundred families out of the county of Armagh by wrecking their property, and in many instances undermining their houses, and threatening them with Hell or Connaught, without any other cause whatsoever but their being Roman Catholics; to resist that persecution was the origin of the Defender system. The Defender system, as I understand, commenced a re-action to that, as a protection from that kind of system.

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At the time of the rebellion, in 1798, is it not a matter of notoriety in Ireland, denied by no man, that the Orange Association did lend material aid to the government, in defeating the conspiracy at that time?—My opinion is very much the reverse; my notion of the notoriety of the fact is, that calling it notoriety, is not an exact representation of the fact; the rebellion of 1798, commenced with the Presbyterians and Dissenters as united Irishmen; the upper classes of the Catholics had no kind of connection whatever with it in the north; when the Dissenters, who had been united Irishmen, were defeated, especially at Saintfield, and after the murder of Lord O'Neil by them, then they got protection by becoming Orangemen, and they joined most heartily in prosecuting and bringing to deserved punishment, in many instances, men who had joined them in rebellion; but I think the rebellion of 1798, was very much brought to explode, to use an expression employed by an Orangeman in the Irish parliament, by reason of the Orange lodges and the Orange system.

There were many Catholics among the united Irishmen, were there not?—Scarcely any among the leading united Irishmen; the leading united Irishmen were almost all Presbyterians or Dissenters; in the north the lower classes of united Irishmen were at first almost exclusively Dissenters; it spread then among the Roman Catholics, and as it spread into the southern counties, and of course, as it took in the population, it increased in its numbers of Roman Catholics; in the county of Wexford, where the greatest part of the rebellion raged, there were no united Irishmen previous to the rebellion, and there would have been no rebellion there if they had not been forced forward by the establishment of Orange lodges, and the whipping and torturing, and things of that kind.

There were many Roman Catholics in the ranks of the united Irishmen, were there not?—Yes; but it is a singular fact, that the number of Roman Catholic gentlemen who were engaged in the rebellion of 1798, was extremely few.

At that period, the Defenders and Orangemen were openly engaged in the field?—The Defenders have become united Irishmen, and they joined the dissenting united Irishmen; I have heard, that the Defenders were originally Roman Catholics, and the Dissenters came amongst them, and then Defenderism merged in the united Irishmen, and of course the Orangemen being at the side of the government in the rebellion, the Defender was coalesced with the united Irishmen, and being united Irishmen, were of course engaged against the Orangemen.

They became opposed to one another?—Yes, in open battle, more than once, as I believe.

Do you not think a great deal of the ill will, which you describe as existing in the Roman Catholic peasantry, in the present day, towards the Orangemen, may have originated in something of that kind?—I do not think it can at all have so originated; an Irish peasant is not a speculative character; he has not leisure for much speculation; the practical and continued instance of insult and triumph over him, is much more likely to stimulate him than any thing of that kind; and I am sure they have totally forgotten the rebellion, and all interest in it.

You are acquainted with the oaths of Orangemen, are you not?—I have seen the printed oaths of Orangemen, and I had information, that the secret oaths were different; I have had that information from persons whom I have reason to confide in.

You have had such positive knowledge on the subject of the Orangeman's oaths, that you do not hesitate to describe publicly what they are, and what they are not?—I do not know that I have described publicly the Orangeman's oaths; I do not believe I have; the Orangeman's pass words and signs, I have had from various sources. My first information was from a gentleman who is now dead, Captain O'Grady, of the Limerick Militia.

Was he an Orangeman?—No, he was a Catholic; but he was in the north in the militia, and that regiment joined with the king's troops in putting down the rebellion.

It was Captain O'Grady gave you your information?—He was the first; he has been dead many years.

Have you had any other information on the subject?—Yes, frequently.

From Orangemen?—Yes, from Orangemen.

From such information as you could rely upon?—From such information as I thought I could rely upon with great confidence, details given me upon the subject, and tracing out for example; the system has changed four or five times.

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If you are reported correctly, you stated in a speech you made on Saturday, that you were ready to prove at the bar of the House of Commons, that one of the secret oaths of the Orangemen, was a verse taken from the 68th Psalm and the 23d verse, "that my foot may be dipped in the blood of thine enemies, and the tongue of thy dogs in the same?"—Not an oath at all; and the very terms of the verse shew that it could not be part of an oath.

Will you have the goodness to state, what part of the system it forms?—A pass word it formed, as I understood, or something of that kind; it does not at present; it has been changed, as I understand.

Are you prepared to state, that it ever was part of the Orange system in Ireland?—It was a pass word, I am prepared to state, from my information; it would be impossible for me to be an Orangeman, and therefore I can speak only from information.

Was your informant an Orangeman?—Yes, my informant was a person, who was stated to me to be an Orangeman.

Your informant was stated to you to be an Orangeman?—To have been an Orangeman.

The informant did not give that account of himself, did he?—I got in writing, from the informant upon that particular subject, the information; I refused to see him, because, circumstanced as I am in Ireland, I do not like to hold personal intercourse.

Do you believe he was an Orangeman?—I do.

What was his name?—I should certainly wish not to mention that; I pledged my sacred word of honour, that I would not mention the name of a person who came to me on this subject; a most solemn pledge as a gentleman that I would not give his name. I gave money to my informer; I was also to give more money, after giving as solemn a pledge as a gentleman could, that I would not mention the name; but at the time I made the pledge, that he should come forward by summons in a court of justice, for I would not give any pledge that should exclude evidence from a court of justice.

Do you mean that he took money for the information he gave you?—He did.

Can you state any other information he gave you?—Yes, he gave me a detail of the making of an Orangeman at great length, the ascent to the hill of Bashan.

Precisely, did he communicate to you the nature of the questions by which Orangemen may know each other?—Yes, the questions; at that time he gave me in writing a detail of.

Do you happen to recollect them?—No, I do not; but I have them.

Would you recollect them, if you heard them?—Probably not in detail, but it is likely that to-morrow I might have them; but certainly I could get them by writing to Ireland.

Was one of the questions, "where are you coming from?"—I believe so.

"From the deep," was that the answer?—Yes.

"Where are you going to; to the hill of Bashan?"—There was the hill of Bashan.

"Was it a high hill; a high hill even as the hill of Bashan;" do you recollect whether that was the nature of the lecture?—I do not.

Was there any harm in the lecture, in any part of it?—In the lecture itself none.

Did you hear of any other in which there was harm?—I got from one person a lecture, and from another a lecture, resembling much that which was just said; and I read it at the Catholic association, and it was put into the newspapers.

Your informant did not tell you that the words "the high hill, the hill of Bashan," and the pass word "Sinai," were the only words in the whole of the 68th psalm, that form a part of the Orange system, did he?—One informant confined himself to that, but did not say they were the only words; that informant, (for I am desirous to say every thing which I can, without a breach of faith,) I gave money to also; that person I believe to be a person of the name of Tobin, the person who gave me the information now referred to; and from the person whom I believe to be Tobin, there was nothing of the 68th psalm, but something so nearly resembling that which is now stated, that I have very little difficulty in considering it as identical.

Are you much in the habit of getting information you pay for?—It depends upon its nature; I would not pay for it, if I did not think it was worth the money that I gave for it.

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How would such evidence be received in a court?—It is constantly received in court in criminal cases, and necessarily received; one would not have a single conviction in the south of Ireland of those horrible outrages, if the persons were not either paid or expecting to be provided for; they could not return among their friends again, government must necessarily provide for them; but in my case, whether it was in a court of justice or not, I would not have the least hesitation in giving a large sum of money to have the Orange system explored; I would give five hundred guineas willingly.

Have you ever published the offer?—Yes, I have made it known; and I have had many offers which I have rejected.

In making this information public respecting the Orangemen, which certainly reflects very much upon their character, do you not think it would have been as well if you had published the terms on which the information had been procured, as far as regards the Orange Association?—Certainly, if it had lain in my way I would; I would not do any thing derogatory to any human being, without giving him perfectly fair notice at the time; I originally published that in the Catholic Association which has been mentioned; I also distinctly mentioned that I had given money for the information, and that I was to give more.

If Lord O'Neill were to protest, or any other respectable Orangeman in Ireland, denying the fact which has been asserted by you, that this ever was a part of the oath of an Orangeman, would you disbelieve his assertion?—I would believe every thing that a gentleman in that rank of life asserted; I would believe that he would not assert positively that which was untrue; but this would remain on my mind, that the lower classes of Orangemen indulge in a system, and have tests and pass words, which the honourable member who has declared himself an Orangeman, (Mr. Brownlow), I am quite convinced would be incapable of acceding to; I would not think existence worth having, if I could believe a gentleman of rank and station could assert on his honour what was not strictly true.

Did you never hear of an Orangeman supporting the Roman Catholic claims?—I never did.

Did you never hear of the circumstance of some Orangemen in the House of Commons, who supported the Catholic claims?—I never did.

Is it a popular opinion in Ireland, that all the members of the House of Commons who resist the Roman Catholic claims, are Orangemen?—Certainly not.

Not even a popular impression?—Certainly not.

Is not Mr. Goulburn called an Orangeman in Ireland?—Yes.

Is Mr. Leslie Foster called an Orangeman in Ireland?—No, I never heard that Mr. Leslie Foster was an Orangeman, nor do I believe that he is.

Is it your impression that Mr. Goulburn actually is an Orangeman?—It is my opinion certainly, that he is not at present; certainly not since the Act of Parliament.

Or that he ever was?—I heard from a person of high credit, that Mr. Goulburn said in his presence, that he had taken the Orange oath.

Was that the same informant who has given you the rest of your information on other subjects?—No, not at all.

Was he paid for that information?—Not at all; he was a person incapable of being paid for any thing.

You are persuaded that the information was not correct?—If I had the honor of hearing Mr. Attorney General say so, I would be most thoroughly persuaded of his veracity; or if it were denied by any body that was authorized to deny it, I should cease to believe Mr. Goulburn to be an Orangeman.

Have you ever heard, that Mr. Dawson was an Orangeman?—No; I heard that Mr. Dawson was not an Orangeman.

Is not he reckoned as bad?—No; he is reckoned bad enough, but not so bad as that. Mr. Dawson is a gentleman whom we expect, one day or other, to be voting for the Catholics. I am not without my hope of it.

What is your impression, as to the extent of the Population in Ireland?—My impression upon the extent of the Population of Ireland is, that it must exceed eight millions.

On what do you found that impression?—The Parliamentary returns made it nearly seven millions. I am convinced that is extremely underrated in the county of Mayo. I have reason to believe, that during the distress of 1822, there were some lists made by two gentlemen, peculiarly accurate in taking down the names of

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of the persons relieved there. There were jealousies amongst those that received the English money, and they were, therefore, cautious in taking down the names of persons relieved.

You mean the charity fund?—Yes; the “English money” is another name for the charity fund. I understand, that the number of persons relieved by name exceeded the Parliamentary return by something like eleven thousand, so that there appeared in that county, upon the number of persons relieved, eleven thousand more persons than the return gave in the entire county.

Have you sufficient data, assuming the number to be eight millions, for stating to the Committee what you conceive to be the actual number of Protestants and Roman Catholics?—Those things must be conjecture, to a certain extent. I have seen, for a number of years past, a manifest increase in the relative proportion of Catholic and Protestant; a very great increase of the Catholics, and a positive diminution, within my knowledge, of the number of Protestants in the southern districts, and in Dublin.

The amount of the Protestant population, in the different provinces, varies considerably of course?—Yes; and the Catholic population is increasing in all. We were about, if we could, to enumerate the Catholics and Protestants throughout the country. If there had been perfect tranquillity, and no danger of the thing being abused, it would have been done by the Catholic Association; but in the southern counties, the relative proportion is enormous.

Which do you conceive to be the most Roman Catholic county in Ireland?—It is impossible to say that. Waterford is an extremely Roman Catholic county; Kerry, Clare, Limerick, Cork, is each a very Roman Catholic county; and there is a great deal still of resident Protestant wealth. Galway, Tipperary, are very Catholic counties.

Do you conceive the proportion of Roman Catholics to Protestants is the same, or nearly the same, in the counties you have enumerated?—It is nearly the same. In my own barony of Iveragh, in the county of Kerry, the return of the population, as I remember, was 14,680; there are about 72 Protestants; and there are no Protestants in the world, less apprehensive of Roman Catholics, or Papists, than they are. We live in perfect harmony.

Do you conceive that to be a fair specimen of the relative proportions of the county of Kerry?—Yes, very nearly.

What should you conceive, in the county of Kerry, may be the proportions of Protestants to Catholics; do you think twenty to one?—They are fifty to one, and probably a hundred to one, in the whole county. There were many Protestants formerly there, whose families have become Roman Catholics. Before the elective franchise was extended to Roman Catholics, the Roman Catholics had Protestant freeholders about them. They brought in Germans called Palatines, in the south. All the family descendants of those persons have become Roman Catholics, almost without exception.

If you were to be informed, on sufficient authority, that in some of the counties you have enumerated, the ratio of the Protestants to the Roman Catholics was five times greater than in others, would you believe it?—Yes, I would. My arithmetical information on the subject is so loose, as that I could believe it from authority; for example, the proportion in Galway I take to be greater than Tipperary.

In which do you conceive it to be greater, in Kerry or in Clare?—I am unable to answer as to the relative proportions. The proportion of Catholics I know to be very great in each; perhaps there are more Protestants in proportion in Clare.

What do you conceive to be the most Protestant county in Ireland?—I am unable to say that; for it would fix its station in the north, which is the part of Ireland with which I am the least acquainted.

Were you ever in the county of Antrim?—Never.

Were you ever in the county of Down?—I cannot exactly say; if I was, it was only passing to Monaghan.

Were you ever in the county of Derry?—No.

Were you ever in the county of Armagh?—Never.

Were you ever in the county of Fermanagh?—Never.

Were you ever in the county of Donegal?—Never.

Were you ever in the county of Tyrone?—Yes; passing from Monaghan to Athlone.

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Were you never more in Derry, than merely passing through it?—No; I have never been in the north, except when going specially to Monaghan. *Daniel O'Connell, Esq.*

Are you able, in any other manner than this, to form an estimate of the proportions of Protestants and Roman Catholics, in the north of Ireland?—From information merely; having a good deal of communication with members of the Catholic clergy, and with professional men from those counties, and with the individuals belonging to it who were members of the Catholic Association. The only information that I could give, would be derived from those sources, necessarily somewhat rude and indistinct; and reading the statistical account of the parishes published by Mr. Shaw Mason.

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If it should be the fact, that the ratio of Protestants to Roman Catholics in some of the northern counties, is three-fold greater than it is in others, could you name those counties in which the ratio was the greatest?—I could not.

Can you offer any opinion whatever to the Committee, as to the actual number of Protestants in the province of Ulster?—I cannot.

Could you, in the province of Leinster?—I could not.

Or of Connaught?—No.

Which do you conceive to be the most Roman Catholic district, the province of Munster, or the province of Connaught?—I should think, pretty much on an equality. But in these things I am speaking loosely, as a person would do who had other occupations to attend to, and no precise arithmetical data, at the moment, to go upon.

Speaking loosely, what number of Protestants should you suppose there were in Ireland?—From my notion of the population, I should think, that if there were an enumeration, the Protestants of Ireland will not be found to amount to any thing like a million, including Quakers and dissenters of every class.

What proportion of the number should you suppose belonged to the Church of England?—I should conceive one half belonged to the church of England, but not more; the number in the Church of England is, I think, lessening in the lower classes of Protestants, and increasing in the higher.

Have you any particular reason for assigning one-half as the proportion of the Established Church, rather than a third or a fourth, or two-thirds or three-fourths?—Only that general impression, that by a number of particular facts from time to time, has formed on my mind nothing, with a minuteness that would belong to political arithmetic.

Can you give any information to the Committee, with respect to the relative proportion of property held by Protestants and Catholics there?—No, not with respect to the relative proportions; the only thing I can say upon that is, that the amount of fee simple estates in the hands of Protestants is much greater, including the estates of absentees; but I know that the relative proportion is diminishing daily, by the increase and acquisition of landed property by the Catholics.

Do you think the proportion is precisely in the inverse ratio of the population?—

Not precisely; but of the estates in fee, I should think it would be a very good general term; but out of the fee, there are derivative interests of great value in the hands of Catholics, as the freeholds for lives, with or without a clause of renewal, and long terms for years.

Would it be too great a proportion to say, that the property in the hands of the Protestants was, as compared with the property in the hands of the Catholics, as ten to one throughout Ireland?—Of estates in fee I should take it that it would not; my opinion is, that certainly the Catholics are not seised in fee of more than one-tenth of the country, if so much; but the derivative interests diminish the balance of Protestant property very greatly.

Should you be surprised if any person informed you that there are counties in Ireland, in which the Protestant population, as compared with the Catholic, is three to one?—I should; and I should be convinced in my mind, that that individual, if he was one of credit, was himself misinformed. I have no doubt upon my mind, that there is no county in Ireland in which the majority is not Catholic, and even where Catholics were, to a certain period, totally excluded. Until lately, the Catholics were not admitted into the town of Bandon, they are now the majority; until lately, they were not admitted into Derry; they are nearly equal, if not equal at present, according to a return which I saw some short time ago.

Do you think that any person would be mistaken in his declaration, if he said that in the county of Antrim the Protestants were three to one?—That would be my opinion.

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The question includes all, except Catholics?—I should think so.

Do you think you are correct in your calculation, that the members of the Church of England are, with respect to Presbyterians, as one-half of the whole Protestant population?—I spoke from loose information upon that subject; I do not mean to convey any idea of correctness or accuracy; having to answer the question, I must answer it as nearly as I could.

Have you registered any freeholders on your property in Ireland?—I have registered freeholders on the property which I acquired from my father; on the property I have lately acquired from an uncle, I have not as yet registered them.

Did you pay the expense of registering them, or the freeholders?—I paid the entire expense.

What is the expense of registering a freeholder?—The officers did not allow me to pay any thing; the expense was merely the expense of taking the people, paying their expenses to the place where they were registered; the professional man, who filled the forms, did not allow me to pay any thing.

What is the expense, if it is paid?—I cannot state that; a shilling, I think, is to be paid to the clerk of the peace.

Have you known many instances in which landlords have not registered their freeholders?—Very many.

Have you known many instances in which the freeholders have paid the shilling to register themselves?—Yes; I have known an instance in which the freeholders did, and I know the peasantry are anxious to register themselves; they feel the value of it.

You think, that quite the lower class of the peasantry put a value upon their freehold?—A great value; they feel that it makes them of importance; they must, once in seven years, be courted, and in the mean time be attended to.

In point of fact, are they courted every seven years?—Yes; and even the landlords themselves court them when the election is going on.

Is it very much the fashion, among the landlords, to canvas their tenants, or for any of the gentlemen proposing themselves as candidates, to speak to the forty-shilling freeholders on the subject?—I do not think they speak to them individually, but I know that they court them, which was my expression; the driver and the land-agent go round to them.

Are they not generally sent round to canvas the freeholders?—Not to canvas at all, but they do go to the freeholders, and serve them; they are, to a certain extent, obliged to look to the interest of the freeholders.

Is the term in use ever, to "drive them into vote?"—Yes, I have often heard that term, and I have seen it done; that exists, I am told, a good deal in Connaught.

Are there not many places where the freeholders are under such obligations to the landlord, that they cannot refuse to vote as he pleases?—Certainly; the landlord has great dominion over the freeholders, so much so, that they are in many instances considered part of the live stock of the estate.

In those cases, do the freeholders put any great value upon their franchise?—There the franchise is of value, for it gives, where it is *bona fide*, a term, a life; and in Ireland, where land is so valuable to the peasant, having a long tenure is always valuable.

The tenure is a freehold, whether it is a man's own life or any other life which is in the lease?—It is; they say that any uncertain interest in point of law is a freehold for ever, for a life or lives, no matter of whom, but no number of years.

Have you ever known an instance in which upon the falling in of a lease, the land happened to be let from year to year for any time?—The common practice, since the depreciation of prices, is to have a tenantry from year to year; the leases which were made during the war prices, in the southern counties, were so high that the tenantry were unable to pay them; where the landlords treated them well, they merely got up the leases, and they let the land from year to year at abated rents; and since the better times, as they are called, have commenced, very few new leases have in general been made.

The question refers to the case where a farm has gone out of lease, from the landlord not being able to determine immediately how to dispose of it, whether the tenants were left as tenants at will for a certain time?—That is a very frequent case.

Is there any great anxiety, on the part of those tenants, to have leases?—Great anxiety; all the peasantry in Ireland, I think, are extremely anxious to get a lease; and for this reason, they have so little capital that they have very little to lose, if the times should fail totally; and if the times should rise, the advantage of the tenure is great.

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Supposing it were proposed to grant those persons a lease for twenty-one years without a life, would not they be desirous that a life should be annexed?—Very desirous, in order to have a chance of an increased term, in addition to the twenty-one, and very desirous of having a freehold tenure.

Does the elective franchise form a part of that desire?—It does.

You have mentioned, that the landlords court the freeholders?—To a certain extent, they do.

Does your experience in Ireland enable you to state, whether any other but the landlord and the candidate court the tenants prior to an election?—Yes, those who take political interest in the event of an election; in my own county, my brothers and myself court the freeholders universally; and so in other counties.

Can you specify any class of persons in particular, who very frequently court the freeholders?—No, not very frequently; but, conceiving I understand the drift of the question, I have not the least hesitation in meeting it, if it is put directly. It relates, I conceive, to the Catholic clergy.

Do they very frequently?—Not very frequently, nor, until recent periods, scarcely at all; at present, and for some short time, they have; and I think they are now much in the disposition of courting the freeholders. I think the disposition is increased to court the freeholders.

Can you assign any reason for that increase of disposition on the part of the priesthood?—Yes; an increasing intelligence among the priesthood themselves; an increasing sense among the Catholics generally, of their degradation and the injustice done to them; an increasing or increased unanimity amongst the Catholic body, enabling us to work more together, and to use, for what we conceive legitimate political purposes, all the influence we possess, the deep and settled anxiety on all our minds to procure emancipation, that is, an equalization of civil rights.

Are you able to specify any particular instance in which that interference prevailed?—I understand it was successfully, and I think usefully exerted in Sligo. I have known it exerted in the city of Cork with great success, and I think eminent utility, in the return of Mr. Hutchinson; to a certain extent, but not near so much as is supposed, it was used in the county of Dublin; but it is right to add, that I never knew an election yet, in which the Protestant clergy did not take a most active part, from the first to the last; it was not so great in the county of Dublin, purely because it was unnecessary; we laymen did it ourselves.

Have you not heard that it was in the county of Leitrim?—It might have been so, but I have not it in my mind; in Cork, it was principally managed by one of the cleverest, and I think one of the worthiest men I ever knew, the present Roman Catholic bishop of Charlestown in North America, the Right reverend Dr. England.

Do you feel yourself at liberty, without infringing in the slightest degree upon that feeling which the Committee would not wish to violate, to specify the modes by which the priests approach, and influence, and command the votes of the freeholders?—Upon any subject connected with the Catholics of Ireland, their religion, or clergy, I beg to say, that I have not the slightest delicacy in giving the fullest and most entire information in my power, to the fullest extent; I have not therefore the least objection to specify any thing I know; and if I have a desire, standing here, it would be to be probed to the fullest extent. I should therefore be pleased that the questions should be put in the most direct shape.

Will you have the goodness to specify the modes by which the priests approach, and influence, and command the votes of the freeholders?—My answer to the question is, that the manner which they use is that of persuasion, by pointing out to the people the distinction between the candidates; as, for example, shewing them that one is likely to vote, or declared he will vote against the Catholics; that the other has declared he will vote for their political interests; but by persuasion simply. They never, in any instance within my knowledge or belief, and I am convinced it never has existed, that any of the rites or ceremonies or sacraments of the Church, have been prostituted for that purpose, or directed towards it in any tendency; I am convinced they have not.

Do you recollect the general election of 1812?—Certainly I do recollect that election.

You were in Cork at the time, or shortly previous to the election for the county?—I certainly was there shortly previous; it is my circuit, and I still attend the Cork assizes.

Were they shortly before the election?—A few weeks before.

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Did you hear that the Roman Catholic priests had threatened to excommunicate any of those who voted against one of the candidates?—I heard it, but I was quite apprized that it was perfectly unfounded; it would be very easy, on this subject, to give the most decisive information. I am quite sure that a Roman Catholic priest has not a right to excommunicate for a mere political matter, and he would, if he did, be instantly laid under an interdict by his bishop; there is not one who has a franchise, who would not know that an excommunication for any political matter would be *ipso facto* void.

Did you hear whether they made use of any other threats from the chapels, from the altar?—I heard it rumoured about that time, but I am quite convinced that it was totally unfounded; I am perfectly sure that either of the gentlemen who were the bishops, would not have allowed any such thing; they were then the right reverend Doctor Moylan, bishop of Cork, as loyal a gentleman as ever lived, as pure and perfect a gentleman, I am quite convinced that he would have silenced any priest respecting whom such a fact was brought home; and that the right reverend Doctor Coppinger, who is a gentleman of the very first class in point of family and education, he is the bishop of Cloyne, and he most assuredly would not have permitted any of his clergy with impunity to have taken such measures; he is a man of great piety.

You were in Cork while the poll was taking down, were you not?—No, I was not.

Did you happen to hear, that in any instances the Roman Catholics had turned by force out of the booths, those who were about to vote for one of the candidates?—I do not think I did, but that might take place; in the best regulated counties, at elections there are riots.

Have you known any instances of Roman Catholics having been, after an election, ruined by their landlords for having voted against them at elections?—Yes.

Have you known many such instances?—No, I think not many.

Do you think the Roman Catholic tenantry would be likely to endanger their ruin in consequence of such persuasion as you refer to?—No, I do not think they would; in the county of Cork, one gentleman, averse to the Roman Catholic interests, would bring five or six hundred Roman Catholics to vote for a member who in Parliament would vote against the Catholics.

Have you not known many hundreds of Roman Catholics, forty-shilling freeholders, carried through the interest of the clergy against their landlords?—No, I have not.

Have you any doubt that many hundreds have been?—Not through the influence of the clergy alone; the clergy, when they take a part in elections, have influence; and I beg to repeat, that it is only latterly, I think, that the disposition is increasing in Ireland, in consequence of the state of affairs, but they make part of the Catholic influence; I do not think it has ever gone to that extent; several have in my judgment been so influenced, but to say hundreds is beyond my idea of it.

Have you ever known instances of almost the whole tenantry of landlords being carried against them by the priests?—I have heard of instances of that kind, and believe that such things have existed, by priests aided by Catholic laymen.

Do you think that mere persuasion would induce the tenantry of an Irish landlord to incur the risk of his displeasure?—I do, certainly; I have seen intense interest in a forty-shilling freeholder, and he is after all so near the labourer, though there is a grade between them, that if his feelings are warm he will make the sacrifice, and become a labourer; and then, on the other hand, the persons in whose interest he has voted, will be induced to pay a gales rent, which is the utmost that can be due of him, to clear him of rent, and then he is able to pay his rent in future, and his landlord has not dominion over him.

Admitting that the Roman Catholic clergy do not make it a matter of sacramental obligation, do you not believe that they have recommended it as a duty due to their religion, and as a service well-pleasing to heaven, to take a particular course?—I do not think they have recommended it more than I should myself; I think they have said, you are a Roman Catholic, and a man has asked you to vote who will vote against you; it will not be just and honest to vote for a man, who in Parliament will vote against you.

Do not you think an observation of that kind, proceeding from a Roman Catholic clergyman, would have all the effect of a command, with a vast proportion of the catholic tenantry of Ireland?—Certainly not all the effect of a command; its influence would depend upon the sort of man the Catholic clergyman was, if he was
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a man devoted to his duties, it would have a great effect ; where he was at all relaxed in his conduct it would not have the least. As to the Catholic clergy in Ireland, their influence is increasing very much, from causes, in my judgment, creditable to them ; they are educated at a much earlier period of life from being educated at Maynooth, and having early education, and we conceive the Irish people have a propensity to make good use of their opportunities of learning, they have become a much better class of men than they were formerly, they read a great deal.

In the existing state of things in Ireland, do you conceive, that most of advantage or injury follows from the interference of the Roman Catholic clergy in elections?—My opinion is, that at present it is all advantage ; I know they never interfere in doubtful or mixed cases, and that they interfere only where there is that decided hostility on the one part, and decided advantage to the Catholic interest on the other, to the interest of emancipation on the other ; I think it is to that extent decidedly advantageous, because I cannot conceive any thing more degrading than an unfortunate Catholic peasant brought to the poll, to contribute to the return to Parliament of a man who will vote against Catholic rights ; I cannot conceive any thing more derogatory to human nature than that.

Was not it a matter of notoriety in Sligo, that both the candidates were as adverse to the Catholic claims as they could be?—It was considered not ; it was considered, that the successful candidate would vote for them, and I think he will ; that was as far as I heard the impression.

Do you conceive, that this influence of the Catholic priesthood in election matters would continue in its present state, if the question of emancipation were carried?—I am convinced it would be totally at an end, by carrying the question of emancipation ; the causes which give it efficacy at this moment, would thereby totally cease, and the effect would follow ; there is not any thing like a blind submission of the Catholics to their clergy, not at all.

Does your mind suggest any other cause which could survive the carrying the Catholic question, that could give to the Catholic priesthood the power of influencing the electors?—No ; I think it would be unwise in government, if emancipation were carried, (and until it was carried the Catholic clergy would not accept of a provision,) to leave them unprovided ; and I think it would be extremely wrong in the government to give them any part of the revenue of the present church establishment, and that they would not accept of it ; but I think a wise government would preserve the fidelity and attachment of the Catholic clergy, by what I call the golden link, by pecuniary provision, so that the government should be as secure, in all its movements towards Foreign powers, of the Catholic clergy, as they now are of the Protestant clergy ; that they should be, in short, a portion of the subjects of the government and the state identified with them.

Is it your impression, that if the question of emancipation was carried, and there was an election to take place, in which a Protestant and a Catholic were candidates, the Catholic priest would not interfere?—I am quite sure he would not interfere, if he were a respectable man, and that if he did his influence would be lost ; that it would be ascribed to political motives ; that he would lose his character with his flock ; that they would understand there was nothing further between the two sects in political controversy. The Catholic laity of Ireland are most decidedly adverse to any other establishment of their clergy than that which they would wish the government itself should give them, by way of donation ; because our wish would be, that the government should have proper influence over them, which a certain pecuniary connection would give. Our wish would be, that the government should be strong by the combination of the subject. Our anxiety is, to become subjects out and out, as the Protestants are.

In the event of emancipation being carried, you do not conceive, that on the part of the Catholic clergy or laity, there would be an objection to receive stipendiary support from the state, provided the ecclesiastical subordination of the Catholic clergy was still kept up?—I am convinced there would not, if it was regulated with the heads of our church, so as not to create an independence over the bishops in the priesthood ; an independence which certainly would be resisted by the bishops, and by the laity, as destructive to religion, and an independence which would be equally injurious to the state, by creating dissension, and differences, and heart-burnings, and one that could not well be realized. The mode of provisions should be regulated by the bishops ; they should be the persons to come into contact with the government. There are not, in the world, a set of men more disposed to be perfect friends with the government than the Roman Catholic bishops.

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Do you conceive it possible for any proposition for the payment of the Roman Catholic clergy to be acceptable, either to the clergy or the laity, independently of the question of emancipation?—Without emancipation it will certainly be rejected. It would not be entertained for a moment, without emancipation. If a clergyman accepted of it, though the bishop may keep him in the parish, and though the people may, such of them particularly as were of a religious cast, attend and receive spiritual assistance from him in cases of necessity, he would lose their confidence altogether; he would be in a kind of civil excommunication, if I may use the expression, and certainly be totally useless, as holding any connection between government and the people. It would be, in my opinion, an additional cause of irritation, to give the clergy a provision before the Catholics were emancipated.

Have you had communication upon this subject with the clergy high in the Roman Catholic church of Ireland?—I have spoken upon the subject with those gentlemen. There will some of them be in town to-day or to-morrow; without pledging myself at all for them, I understand that their sentiments coincide entirely with those I have the honour to express.

Have you had communication also with prelates, who are now no more?—I have.

Were their opinions, the opinion particularly of the late respectable Catholic bishop of Kerry, in coincidence with your own?—He was a cousin-german of mine, a man of very clear and distinct intellect, a very well-informed gentleman; his views were in entire coincidence with those I have expressed; he was anxious for that arrangement, and I am sure anxious for it, from the purest motives.

Your opinion is, that coupled with emancipation, that would be accepted by the Catholic clergy?—My opinion is, that coupled with or following emancipation, it would be acceptable, but not preceding it; and my humble opinion is, that it would be a most desirable thing to have that species of settlement take place after emancipation.

If emancipation were conceded, and this settlement made, what would be the probable effect on the influence of the Catholic clergy, in respect to the general administration of government, and in respect of the general tranquillity of the country?—The consequence, I take it, would be precisely this; that the Catholic clergy would become in the nature of officers belonging to the Crown, forwarding the views of government in every case where there was not something that revolted in general, such as harsh or unconstitutional illegal measures; but that the general tenor of their conduct would be decidedly in support of the government, and perhaps even in instances that theoretic friends of the constitution would not wish for; I believe the propensity of the Catholic clergy is very much towards an unqualified submission to the law and to the government, whatever it may be.

Would it in your opinion have any considerable influence in preserving tranquillity in the country?—I am sure it would; I have said that some political measures are necessary, in my opinion lessening the dominion of landlords, making it obligatory upon them to select better tenants, and various measures of that kind; and with those political measures I am decidedly of opinion there will be every prospect of order in every part of Ireland, if emancipation was honestly looked into.

What do you mean by its being obligatory upon him to select better tenants?—The statute law of Ireland gives a landlord most unlimited power over his tenants, to impoverish them totally, and then turn them out at once; if those laws were altered, and the landlords were left a good deal to common law, they would be obliged for their own sakes to seek for persons of character and solvency, and not to hold an auction, as they do so frequently at present, allowing the highest bidder to take the land, without reference to his character.

Do you conceive, that if an arrangement were made for giving stipends to the Roman Catholic clergy, and that connected with Catholic emancipation, it would do away much of the opposition of the Protestants of Ireland to the measure of Catholic emancipation?—I should suppose that where the opposition is, as I presume it is in some instances conscientious, it would do so; but my own opinion is, that the great majority of the Irish Protestants, who are unconnected with local interests and electioneering purposes, and corporations, and influences of that description, are already favourable to emancipation; I know an immense number of the independent portion of the Protestants of Ireland are favourable to that measure.

What is the general amount of payment of the priests throughout Ireland?—I should suppose 150*l.* per year would be a high average for a parish priest himself, independent of his curate.

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What is the amount of the salary of the curate?—A curate, if he resides with the clergyman, has 20*l.* or 30*l.* a-year, with his horse kept for him; if he does not reside, he has one-third of the benefice of the parish; every Catholic clergyman in Ireland must have a horse, for he is liable to be called out every hour of the day or night; the average for the priest therefore, independent of his curate, I should think high for a clergyman.

You think 200*l.* a-year for a parish would be a sufficient sum to cover the expences of priest and curate?—I should think so, certainly; 200*l.* for each parish.

How many parishes are there?—About 2,500.

The bishops have generally parishes, have they not?—Yes; they could not subsist without them.

What, in your opinion, should be the stipend of the bishops?—That is a very delicate subject; but I should think eight hundred or a thousand a-year, and an archbishop fourteen or fifteen hundred.

Can you inform the Committee from what sources the present income of the Roman Catholic clergyman is derived?—As well as I know it, it is this; speaking now of the country parishes, there is an obligation in Ireland of going to confession and communion twice a-year, at Easter and at Christmas, including some period before and after Easter, and before and after Christmas; they get, in general, two shillings a family at least, and where they are more solvent, two shillings from the man, and two shillings from the woman, at each of those stations; they do not get it at the time of confession, confession cannot be connected with money, because, as the absolution is a portion of the sacrament of confession, it is necessary in the Catholic church that it should not be at all connected with money.

Does the Catholic priest get the 2*s.* from each person at each confession?—A shilling on each occasion, according to the solvency of the parties; they are expected to get something at each christening, a shilling or two; they get 5*s.* in general for each marriage; then the wealthier Catholics pay a pound or a guinea; then they get money for saying masses for the dead; and after a person of any solvency, or a more decent farmer, has died, his relations make it a point of piety to have masses said for him, and contribute for that purpose; the priest says those masses at his leisure.

Is it not the practice at marriages and burials for the priest to go about and collect offerings from the persons who assemble to do honour either to the marriage or the burial?—No, I do not know that the priest ever went about; it was usual at marriages, and still subsists at some places, that a collection is made by a friend of the man or the woman, frequently by a friend of the man among his friends, and a friend of the woman among her friends; and during the war, when the peasants were solvent, there was a rivalry among them which should give the priests most.

You alluded to the benefit which had been derived from the education at Maynooth; do you think the persons who have derived their education at Maynooth were superior to those who had been educated elsewhere?—In point of information, I think they are; in point of allegiance, under a proper system, they certainly would be, because foreign education of the priests may be made a dangerous instrument; and I have some reason to apprehend that that danger is not quite visionary; at this moment those educated at Maynooth are better educated; for no one could go into the priesthood formerly young, they must have remained until they were twenty-three, and three months, before they could be priested; they could not go abroad before they were priested; for though they got foundations, it was necessary for them to have the benefit of masses in the churches where they were founded, to contribute to their support. That education, properly speaking, began about the age of twenty-four; whereas now, at Maynooth, it begins at the earliest periods; and when they enter Maynooth at seventeen, they must be very excellent scholars; and the system of exclusion is very much, from every thing but their studies and collegiate duties; and the human mind obtains infinitely more of learning when it has facilities, than the mere system necessary for the particular profession actually requires.

Have you turned your attention to the qualification of the freeholders of forty shillings?—Yes.

Are there not at present a number of persons, in consequence of that low qualification, put upon the register books, who are by no means fit persons to enjoy the elective franchise?—I do not know that; that is not my opinion; I have a very strong notion of the advantage of extending, under proper regulations, so as to avoid tumult or undue influence, the elective franchise; I do not know any householder

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to whom it would be improper, if the thing were well managed, to give the right to vote, if the mode of taking the vote was well managed.

Do you conceive that the system of forty shilling freeholds, connected as it now is with the law between landlord and tenant, is such as to insure fair representation?—It is impossible to say that; it has its advantages and disadvantages; it gives to the owners of great estates great influence, that I believe is a good deal in the spirit of the modern practice in parliamentary representation; it opens the door, however, for considerable frauds; and though I am quite convinced of the frauds, I see great difficulties in altering it. I should be glad, though it is a very crude opinion, if the qualification were five pounds.

Do you conceive that raising the qualification to five pounds would, when accompanied with the concession of what is generally called Catholic emancipation, give satisfaction in Ireland to the Roman Catholics?—Conceding Catholic emancipation, in the spirit in which it ought to be conceded in order to be useful, it ought to be, if given, given in a liberal spirit; I think the inhabitants of Ireland would be so connected with the government, and the present distinction so much abolished, that whether forty shillings or five pounds, would be a question equally affecting Roman Catholics or Protestants, and that the Catholics would be satisfied with any arrangement which the Protestants were satisfied with.

You do not conceive that so connected, any dissatisfaction would prevail on the part of the Roman Catholics?—That is my impression; I think if it were so connected, no dissatisfaction would arise.

Do you conceive it would be practicable or safe to alter the elective franchise, to raise the qualification without connecting it with Catholic emancipation?—I think it would be totally unsafe; I think it would be a most dangerous attempt in legislation to increase the qualification, and thereby disqualify a great many Roman Catholics, without giving them emancipation.

The answer you have made is taking the qualification of five pounds instead of forty shillings; would you conceive that the same answer would apply, if the qualification was raised still higher than five pounds?—No; my opinion upon that subject, as I said before, is not a very decided one; I would see the advantage of some increase, but I should be afraid of going as high as 10*l*.

Are you of opinion that such an alteration of the qualification would, in effect, diminish the body and influence of the Roman Catholics?—I do not think raising it to 5*l*. or 10*l*. or 20*l*. would diminish the Roman Catholic influence. The occupiers of the soil are almost all, or so many of them, Roman Catholics, that 10*l*. or even 20*l*. would not make an essential difference in that respect, and might have a contrary effect; for the forty-shilling freeholders are more the property of the Protestant proprietors, and it might weaken what might be called the Protestant interest, to increase the qualification.

Do you make a distinction between the alteration of the franchise in counties and cities?—I do not, in that answer. As far as I know of cities, the forty-shilling freeholder is that which ought to be allowed to subsist; I think in cities it ought not to be increased.

Where there is concurrent right in freemen and freeholders, the effect of the alteration of the elective franchise of the freeholder would be, to throw a kind of superiority in the hands of the freeman?—Undoubtedly; my answer as to cities is in relation to that; I know of no city or town that, in itself, has the right of representation in Ireland, in which the freemen do not vote. Malloy is not an exception, for that is a manor, not a mere town.

In the event of the qualification in cities being raised, would not the effect be, to place the return in the hands of the corporations of those places?—The effect of striking out the forty-shilling freeholders in cities would be, to place the return in the hands of the corporation of those places, completely and irretrievably.

Would not that be a measure that would give dissatisfaction, and produce danger in those places?—Great dissatisfaction to a very valuable class of people, thriving commercial men.

Have you ever considered that it is desirable that the forty-shilling freeholder, or indeed any freeholder holding his freehold by lease, should not vote, unless his rent had been paid?—I should think it certainly an advantage, but there are great difficulties about carrying it into practice; I think it would be a great advantage, if practical.

Would it not have the effect of disfranchising, at any election you have known, nine-tenths of the freeholders?—Yes, at any election I have known hitherto, certainly it would disfranchise a great many.

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Who did not secure this object, that the freeholder should be a person of more substance and property than at present?—Yes, if he had *bond fide* paid his rent; but it would enable a direct bribe to be given for his rent, or the candidate would qualify him to vote by having some friend to pay the rent.

Would it not raise the freeholder to a more independent situation?—It certainly would, and would be, I am convinced, upon the whole, a decided benefit to the system; the only difficulty is the mode of carrying it into effect.

Would it be more difficult to carry it into effect, than raising the qualification?—I believe not; the question comes suddenly upon me, but my opinion is, it would be the easier of the two, to have the rent paid off.

Why do you think that qualification for voting in counties, that is not attended with any inconvenience in England, should be attended with inconvenience in Ireland?—In England, I understand that the greater part of the forty-shilling tenures are fee-simple tenures, where the persons who possess the votes have absolute dominion, and are not therefore the property and serfs of any other person; in Ireland, it happened that they are made freeholders for election purposes; and it seems to my mind, that they make the same distinctions as in corporations, regular freemen and occasional freemen.

If, therefore, the state of society, with reference to rural arrangements in Ireland, was to be more assimilated to that which exists in England, the objection to forty-shilling freeholders in Ireland would vanish?—In my mind, it would be totally done away; in my humble judgment, it would not be at all right to meddle with them; I have not expressed any opinion favourable to raising the franchise at all.

Do you think that that species of improvement in Ireland, which there is fair reason to believe exists, has a tendency to place the social system in Ireland more upon a footing of similarity to that of England in that respect, and therefore to correct the evil of forty-shilling freeholders?—I am entirely of that opinion; I think the progressive improvement in Ireland is such, as is calculated to do away a great deal of the inconvenience of the present system, and to render it quite unnecessary, if it ever were necessary, to make any alteration certainly inadvisable.

Would it be likely that the great proprietors will parcel out their estates in fee simple freeholds, as long as the present system of political influence exists in Ireland, through the means of forty-shilling freeholders?—I do not expect that the proprietors of Ireland will ever make donations of the fee, or sell it; but persons acquiring property, may purchase small estates; a most desirable thing, if we could see it in Ireland.

FOURTH DAY.

Jovis, 3^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

Richard Shiell Esquire called in, and examined.

DO you know any thing with respect to the administration of justice on the circuits; and if so, have the goodness to give a statement of any thing, in consequence of which inconvenience has been sustained?—If I am asked with respect to what I have observed on my own circuit, independently of what I know has taken place in other parts of Ireland, especially in Dublin, I answer, that I have observed upon my own circuit what I conceive to be at least imperfections in the administration of justice, arising from two sources; the first I conceive to be religious, and the second aristocratic. I have observed that there is not that just regard for the rights and interests of the lower orders, which I believe is entertained in this country. In the county of Wexford, for instance, it is an habitual observation among the Bar, that in cases between landlord and tenant, there is, I will not say an undue partiality, but there is a strong partiality existing in the minds of juries in favour of the landlord. I know it is commonly said among the Bar on my circuit, that in cases between landlord and tenant, the tenant has but a slender chance, unless his case be almost irresistible. I consider that the feeling by which juries are influenced, is in a great measure aristocratic, but I think the aristocratic feeling is not unconnected with

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with a religious one; the Aristocracy of Ireland are chiefly Protestant: I may say almost entirely so, because they are, to a great extent, masters of its fee simple. I think that what is called an *esprit de corps* connected with religion, is thereby produced; Protestants are thus allied together, and where the rights of a person of an inferior class come into collision with those of a person belonging to the higher order, the religious feeling mixes itself with the aristocratic sentiment. The observations which I have just made, are applicable to the county of Wexford; I cannot say that I can illustrate the justice of those observations by any cases which have fallen within my own knowledge, but I know that the partiality for the landlord among the jury, is matter of familiar observation at the Bar.

In speaking of juries, you refer to the record juries?—Yes, I do.

Of what description of the community are the juries generally composed?—In the county of Wexford, there are very few Roman Catholics who are possessed of considerable property; and I believe that the majority of the jurors who try civil cases in the county of Wexford, are Protestants.

The question referred to the class of the community, as to property, from which they were taken?—I believe in that county of which I particularly speak, jurors are generally selected from a class of very highly respectable yeomanry, persons possessing four, five or six hundred a year.

Are they tenants or landlords?—I believe they are generally what are called middle men.

You speak of the petit juries?—Yes, of the record juries. I shall mention the instances which have occurred on my circuit, that appear to me to shew that there is something vicious in the administration of justice, arising in a great degree from the nature of the law itself; I begin with the case of Lawrence against Dempster, in which I happened to be counsel. The Insurrection Act was proclaimed in the town of Nenagh, in the county of Tipperary; Mr. Dempster is a magistrate for that county; he had a quarrel about an hour after sun set, (and it was a question whether the hour had elapsed, and that was left to the jury,) with a Mr. Lawrence, respecting a subject wholly unconnected with politics; very unwarrantable language was used by Mr. Lawrence towards Mr. Dempster.—It is right that I should mention, that it was proved that at this time the wife of Mr. Dempster was walking in the streets of Nenagh, accompanied by some of her female friends, and many persons were at the time in the street; in consequence of gross personal language addressed to Mr. Dempster as an individual, but quite unconnected with his magisterial capacity, Mr. Dempster ordered Mr. Lawrence to be arrested under the Insurrection Act, inasmuch as he was out of his abode an hour after sun set; the latter was, under this order, committed and detained in custody for, I believe, three days; a verdict for 75*l.* only was recovered, in an action brought by Mr. Lawrence against Mr. Dempster. I conceive that unless there had been persons upon the jury, and I was assured of the fact, who were resolved to support the magistrates at all events, and who acted upon the principle that magistrates, even when grossly in error, or when acting corruptly, ought to be sustained, the verdict would have been much more considerable. A point was saved at the trial; the question was, whether the action ought to have been trespass, or case? It was brought before the court of Common Pleas; three of the judges, Mr. Justice Moore, Mr. Justice Torrens, and Mr. Justice Johnson, all concurred in saying that the conduct of Mr. Dempster deserved the strongest reprobation; Lord Norbury was the only Judge who stated, that in his opinion, his conduct did not deserve much censure, and that at all events magistrates ought to be supported. What I am now stating, is within my own personal knowledge. The case was reported in the Dublin Evening Post. I think that Mr. Dempster was guilty of a gross perversion of the power entrusted to him, and I think that he ought to have been deprived of the commission of the peace; he was not deprived of the commission of the peace; he remained after the facts I have detailed, still entrusted with this important power; and further, the magistrates of the county of Tipperary came to a resolution, that he was an active and useful magistrate, to prevent his being deprived of the commission of the peace. I think that the office of magistrate is connected with the administration of justice, and that to permit a man, who had abused the Insurrection Act in such a way, to continue in the exercise of magisterial functions, was highly censurable, and affords evidence that due means are not adopted to improve the administration of the law.

Do you recollect the language which was used by Mr. Lawrence to Mr. Dempster upon that occasion?—I do not recollect the exact words that were used, but I recollect that

that it was impossible that grosser language could be employed; I can recollect some of the words, which I should almost blush to mention.

Mr. Dempster's family were in the street at the time?—His wife was in the street, but not within hearing.

Was that proved?—At all events it was not proved that she was within hearing.

Do you know the persons that were on the jury?—I do not know the names of the persons that were on the jury, but I was told by the attorney who employed me in the action, and who was extremely well acquainted with the county, (Mr. Lanagan, a very clever and intelligent gentleman), that some of the jurors acted upon the principle of giving as little damages as possible against any magistrate.

Did he state to you the ground of his opinion?—He did not state that; I did not ask him the question, because I conceived, that from his familiar acquaintance with the habits and feelings of the country, he must have been acquainted with the fact.

Do you know of what religious persuasion Mr. Dempster is?—He is a Presbyterian; he is a Scotch Presbyterian; he was the Surgeon of a regiment quartered in that part of the country, and settled there; I believe him, independent of that fact, to be a respectable man, though I think he displayed too much alacrity in what he considered the discharge of his official duties.

On that occasion, or others?—I speak from public report: I think it my duty to mention, that complaints against Mr. Dempster came from persons very much disposed to find fault with magistrates; I know he was extremely unpopular in Nenagh.

Do you know from what parts of the county the persons composing the jury, were drawn?—I do not.

Do you know whether they were Protestants or Catholics, or both?—I believe both.

Is it not the custom in the county of Tipperary to put Protestants and Catholics indiscriminately on juries?—I believe in civil cases it is the practice to put Protestants and Catholics indiscriminately on juries; but I am sure that in cases which are either political or conceived to be so, or which have any connexion with the disturbances of the county, Roman Catholics are studiously excluded; I should violate confidence if I stated my authority, for the fact was communicated to me in confidence.

Was a panel returned, which was intended solely for the trial of this particular case?—No, there was a general panel; as well as I recollect in that particular case, the jury were chosen by ballot, which is the fairest mode; the names were put into a hat, and then drawn out.

How do you account for the former statement you made to the Committee, that in cases where magistrates were engaged in a trial, the Catholics were more particularly excluded than in other cases?—If I stated that, I stated what I did not intend to do, and I conceive I must have been misapprehended.

Do you consider, that in this case there was any special exclusion of Roman Catholics from the jury?—I am sure there was not; but I beg to add there appeared to be individuals of strong opinions, respecting the necessity of supporting the magistracy; upon the jury it was a mere matter of accident, and I do not mean to say, that in that instance any improper measures were taken by the sheriff or any other persons, for the purpose of procuring a corrupt jury; but the state of the law is such, that mens' passions are marshalled against each other, and that thereby it almost inevitably happens, that in political cases, men will be swayed by undue motives; I conceive the remedy for that will be to abolish those distinctions which have generated this result; the vice is in the law itself.

Do you conceive that the influence only operates on one side?—No cases have come within my own knowledge, from which I should conclude that Roman Catholics were swayed by their political passions; but I think it extremely likely that they would be so. This, if the case, is also the fault of the law.

Do you know the proportion of Roman Catholics and Protestants, who were on this particular jury?—I do not; but a single juror, it is quite obvious, exercises an absolute dominion over a jury, in the reduction of damages.

Did the jury retire from the box; and if so, for what time were they out?—They were out for about four hours; the Judge did not remain to receive the verdict by the consent of the parties, in consequence of the lateness of the hour, and it being understood that they would not be very likely to agree, it was consented that the registrar should receive the verdict.

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Were you present in the court of Common Pleas, when this case came on?—I was; I argued the case in the court of Common Pleas.

Of what class of society, chiefly, was this jury composed?—They were persons of the better class; they did not belong to the aristocracy of the county, not that class from which the grand jurors are generally selected; but they were respectable individuals, gentlemen; some of them, probably, of a thousand or fifteen hundred a-year, and others possessed of four or five hundred a-year.

Were they of that class of persons, out of whom magistrates are selected?—I believe some of them were magistrates; I think Mr. Pennefeather was one of the jury, who was a magistrate.

Can you state what the circumstances of Mr. Dempster were, whether he was a person in needy circumstances?—He was a surgeon attached to a regiment; he is a Scotchman.

Was not the verdict of 75*l.* damages, proportioned to his circumstances?—I do not think it was, because he married a lady who has seven hundred a-year.

Did you advise moving for a new trial, on account of the inadequacy of the damages?—I did not; because there is no instance in which a plaintiff can set aside a verdict in his favour, no matter how small the damages may be.

What was Mr. Lawrence?—Mr. Lawrence had been in the army.

Was he a Catholic or a Protestant?—He is a Protestant. I am quite satisfied that Mr. Dempster was actuated by no religious feeling towards him, nor would he have been actuated by any such feeling towards him, if he had been a Roman Catholic. Mr. Dempster is not affected by the passions which prevail throughout Ireland; he is a Scotch gentleman, Mr. Lawrence is Irish; and I recollect this circumstance, that a friend of Lawrence's said, and this is, I think, remarkable, "Upon what principle could you possibly arrest Mr. Lawrence? for Mr. Lawrence is notoriously a loyal man." The person I allude to was a Mr. Rowan Cashell, a relation of Mr. Lawrence; he proved that he said to Mr. Dempster, why should you arrest Lawrence, when he and all his family are loyal men? and he added, that he meant by that, that they were strong Protestants.

When this committal took place, was the county under the Insurrection Act?—Not the whole county; that part of the county was.

Do you not think, that a disposition to support the magistrates might arise in any disturbed county, without the influence of any religious feeling whatever?—I certainly think so.

And that that disposition to support the magistrates might fairly be attributed to apprehension, that the disturbances which prevailed might arise under the circumstances of any country whatever?—I certainly do think so; but I think it right to add, that I conceive that disposition is not at all unconnected with the spirit of domination produced by the sense of superiority arising from religion.

Mr. Dempster was a Scotchman?—He was.

How long had he resided in Ireland?—I think about four or five years; I know the gentleman personally.

Do you think he got so infected with this spirit of domination during four years residence, as to commit Mr. Lawrence to prison under the influence of those feelings which arise from the spirit of domination?—I do not think so; and I did not state that I conceived that he was influenced by that sentiment. But the Jury, I conceive, were influenced, in their adjudication of damages, by that sentiment.

Do you not think it possible that Mr. Dempster, under the influence of irritated feelings, if he had been a magistrate acting in Scotland, might have committed this abuse of magisterial authority?—I think it possible; but I think it not likely, that in a well ordered community he would have been guilty of a violation of the law, which would have excited the reprobation of every person in his own class of society.

Did he ever afterwards express any regret at having been misled by passion to abuse the authority he had as a magistrate?—He did not; on the contrary, I rather collected that he expressed no dissatisfaction at it.

Mr. Lawrence was what you call a loyal man, and all his immediate relations were strong Protestants?—I stated that a relation of Mr. Lawrence's stated upon the table, when he was examined as a witness, that Mr. Lawrence was a loyal man; and he defined his loyalty to be strong Protestantism; I think it right to add, that I am not perfectly sure about the last.

Do you think there were loyal men, and strong Protestants, on the jury?—I am sure there were very strong Protestants, and therefore very loyal men, according to a certain, but very improper and offensive definition of the word.

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How do you account for it, that those feelings of loyalty and of strong Protestantism did not operate with the jury to induce them to take part with Mr. Lawrence, he being a loyal man and a Protestant?—I think that the anxiety to support the magistrate, superseded every other consideration.

Then, has not the anxiety to support the magistrate in a disturbed district, overpowered that community of feeling which existed between a jury and a suffering Protestant?—I do not think that the fact of Mr. Lawrence being a strong Protestant had any effect upon the jury, because no political feeling was the origin of the contest between them; the jury were perfectly impartial, as far as religion was immediately concerned, between the parties, as they were both Protestants. The ground on which I rest my opinion that this case illustrates the imperfect administration of justice, is the simple fact, that Mr. Dempster was allowed to continue in the exercise of magisterial functions.

In this case, there was no opportunity of challenging the jury, it being a civil case; was there?—There were no challenges; there would have been grounds of challenge if the parties had been related, and other grounds unnecessary to be mentioned.

There was no ground of peremptory challenge, without cause assigned?—No.

Could there have been a verdict in favour of Mr. Lawrence, if Mr. Dempster could have proved, by the Dublin Gazette, that he was authorized, in point of strict law, to exercise this power under the Insurrection Act?—That would have been a mere matter of pleading; if the Gazette had been produced, the objection that the action ought to have been an action on the case, and not an action of trespass (which it was) would, I think, have been good; but even if the Gazette had been produced, and the action had been on the case, and not trespass, damages ought to have been recovered.

Might not the jury have taken that omission into their consideration, when they awarded the damages; might they not have argued, here would have been no damages, provided Mr. Dempster could have produced the Dublin Gazette?—I am sure the jury did not take that into their account, for the judge drew their attention to the points they were to consider, and that was not included.

This case was tried by the Chief Justice?—It was.

Did you ever hear that there was a communication between the government of Ireland and the Chief Justice, as to the propriety of removing Mr. Dempster from the commission of the peace?—I read in one of the papers, that Mr. Peel made that observation in the House of Commons, but I had never heard it before; I conceived that Mr. Peel might have referred to Lord Norbury, the Chief Justice of the Common Pleas, who expressed an opinion favourable to Mr. Dempster.

Supposing a communication was actually made by the Irish government to Lord Chief Justice Bushe, of the court of King's Bench, with respect to the propriety of removing Mr. Dempster from the commission of the peace, and that the Chief Justice having tried the case, gave it as his opinion that there was not sufficient ground for the Lord Chancellor of Ireland to exercise his authority, and to remove Mr. Dempster; in that case, would not you think the Lord Chancellor was justified in abstaining from the exercise of such a power?—I must, in candour say, notwithstanding the high respect I entertain, and something stronger than respect, towards the Chief Justice of the King's Bench, who is a very distinguished person, that I should not conceive that even his authority ought to supersede the effect which the powerful facts ought to have produced upon the mind of the Lord Chancellor.

As a general principle, do you not think that it would be unsafe in the Lord Chancellor to exercise his authority in contradiction to the opinion of the judge who had had the whole merits of the case disclosed to him in evidence?—I do not, where the facts are clearly established, independently of the authority of the judges. The judge takes notes of the case; he states the facts in those notes; if he submits his notes, and thereby submits the facts to the consideration of the Chancellor, I think the Lord Chancellor is just as competent to judge as he is; and I do not think that any judge who superintends the trial of a case, is at all more competent to form a decision respecting the propriety of removing a magistrate, than any other person.

Do you think a judge, who reads the minutes of evidence in a case, is quite as competent to form an opinion of the precise merits of that case as the judge who tries it, supposing of course each to be equally gifted, and each equally impartial?—I think upon a given state of facts, the judge who tries the case, and any other judge, are equally competent to decide; and I think it very possible also, that a judge

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even of the very highest faculties and the purest judicial integrity, may have particular views respecting the propriety of sustaining magistrates, in entertaining which, he may labour under a very great and pernicious mistake.

Can you undertake to say, from your recollection of the words used by Mr. Dempster, and the general tenor of that language, that the attack by Mr. Lawrence on Mr. Dempster was purely personal, and had no reference whatever either to politics or to the existing disturbances in the country, or to any thing at all connected with Mr. Dempster's magisterial capacity?—I am perfectly certain of it, because the dispute arose from a servant of the brother, I think, of Mr. Lawrence, refusing to let a horse belonging to Mr. Dempster, into a field attached to a barrack. That was the origin of the whole dispute.

Have the goodness to state whether it is the practice in Ireland, to enforce the Insurrection Act upon respectable persons?—It certainly is not; and the only instance in which I recollect, that a person belonging to the class of gentlemen was arrested under the Insurrection Act, was another instance in which that very Mr. Dempster was the committing magistrate; it was the case of Mr. Gleeson, a respectable professional man, an attorney, who was committed by the orders of Mr. Dempster for being out of his house at night, in the town of Nenagh.

In point of fact, the same communication and intercourse subsists between parties not suspected of violating the law in a district proclaimed under the Insurrection Act, as before?—I think the same sort of intercourse subsists between persons of the better class.

Was that case of Gleeson ever made the subject of a trial?—It never was made the subject of trial; an action was brought, but the statute that requires the service of notice upon a magistrate, was not complied with; that was the reason, and none other, why the action was not brought to trial; I myself had a brief in the action, and on that account I am acquainted with the facts.

Can you state the date of that occurrence?—I cannot exactly state it.

Had a year intervened?—I think it was in the year 1823.

Can you state what circumstances of life Mr. Lawrence was in?—Mr. Lawrence is a person of very respectable family, I believe; however, that his circumstances are now, and were then, extremely impoverished; I believe that his respectability, which perhaps will appear singular in Ireland, has sustained some diminution in consequence of his being considered addicted to quarrelling, and his having been reputed a duellist.

Is he considered in society, on a footing with Mr. Dempster?—I believe he would be considered in society on a footing with Mr. Dempster.

You do not impute to the jury that they were influenced by religious feelings?—I am sure that they were not influenced by religious feelings; they were influenced by what I conceive to be an undue anxiety to support magistrates through (to use a vulgar phrase) thick and thin.

By what you call an aristocratic sentiment?—Yes; by that which, when it comes into its operation, with reference to the lower orders, is tainted with religious feeling; perhaps without the persons swayed by it being perfectly conscious of the origin of the motive by which they are governed.

You state that in point of circumstances, Mr. Dempster and Mr. Lawrence were very much on a footing?—Yes; when I say that, I think that the spirit of aristocratic domination is connected with religious domination; I do not apply the observation so much to this particular case, as to the general effect of the system of religious distinction on the whole class of the people.

In this particular case, you neither impute a religious feeling, nor an aristocratic sentiment, to the jury?—I think that the disposition to support magistrates improperly, arises from an aristocratic sentiment; from a desire to keep down and trample upon the lower orders.

Do not you think the jury might have naturally taken into consideration the very great provocation Mr. Dempster had received, that might have deprived him for a moment of the exercise of his sound intellect?—I not only know that they did, but that they ought, and that the Chief Justice directed them to do so; but I think that 75*l.* was not by any means a proper reparation for an imprisonment of three days, and where the Insurrection Act was converted into an instrument of personal vengeance.

Had Mr. Dempster any property separate from his wife's?—I am not aware.

How long had Mr. Dempster been in the commission of the peace?—I do not know.

Is this the only instance in which you call into question the conduct of Mr. Dempster as a magistrate?—I have just mentioned the case of Mr. Gleeson, who was arrested by Mr. Dempster for being out of his house in the town, an hour after sun-set.

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Mr. Gleeson is an attorney in considerable practice; is he not?—No, he is not in considerable practice.

What amount of damages should you yourself have thought sufficient, in the case of Mr. Lawrence?—I should have thought that under the circumstances, 300*l.* would have been a proper verdict.

What were the damages laid at?—The damages were laid, I believe, at 2,000*l.* but that is no test; it is a matter of caprice with the professional man who draws the declaration. I think it right in fairness to add, that though I mentioned that Mr. Dempster had married a lady with 700*l.* a year, I believe the estate of that lady is encumbered, though that fact was not brought to the attention of the jury; that circumstance I know from my own personal knowledge.

Have you not expressed an opinion, that public men in Ireland are influenced by undue partialities in administering justice and favour towards Roman Catholics?—I do not think that I said public men; I will say this, that I believe the judges of the land are free from any impure motives connected with religion; but I am convinced that sheriffs, who must be Protestants; that magistrates, a majority of whom are Protestants, and who are strongly swayed by political feelings; that jurors, who are selected by Protestant sheriffs, and especially the jurors of the city of Dublin, are governed by impure motives; and if it be not out of order to mention it, I have the authority of Mr. Edmund Burke for saying, that it is impossible that the law should be administered purely, while the law remains what it is, and continues to be administered by Protestant sheriffs, magistrates and jurors. He says so in his letter, written in the year 1782, to an Irish peer; his words are, “The Catholics are excluded from all that is beneficial, and exposed to all that is mischievous, in a trial by jury. This was manifestly within my own observation.”

The question refers to the duties of chief secretary of Ireland, for instance?—I am sure that no person, who could hold so high an office, could be swayed in a case of personal wrong, and where merely the rights of two individuals unconnected with religion, were concerned, by any improper motives; but I certainly do think, that public men in Ireland, and I think it is but human nature, are swayed by an anxiety to support the members of that party by whom they are themselves supported.

Do you recollect making a statement of this nature, that when Mr. Peel was chief secretary for Ireland, a claim was preferred to him, on the part of a man in humble life, a fisherman in the county of Waterford, who had been instrumental by the greatest activity and courage, in saving the lives of several soldiers who were shipwrecked, that an application was made by Mr. M'Dougal, who stated this case to Mr. Peel, and stated his knowledge of the truth of the statement which he made, and applied for some mark of favour from the government towards that meritorious individual; that Mr. Peel's answer was, what class does this person belong to: the reply was, he is a fisherman; that Mr. Peel then said, that is not what I mean, is he a Protestant or a Roman Catholic? that the answer to that was, “he is a Roman Catholic;” that Mr. Peel then dismissed the case, saying, “if that is the case I decline interfering;” is that a correct statement of the outline of the case, as stated by you?—No, it is not.

Then have the goodness to state the circumstances, as stated by you?—I will. Mr. M'Dougal mentioned to me, that the person of the name of Kirwin or Kirewan, had saved the lives of eleven persons in the army, three of whom were officers, and that he, from motives of pure humanity, and having no acquaintance with any person in authority, went to the castle and applied for a remuneration for this individual, and that he was asked at the castle; (I am now stating what Mr. M'Dougal mentioned to me; I will afterwards state, how far I may have perhaps modified or coloured those facts;) he was asked, I say, at the castle, and with emphasis; (but he did not state that it was by Mr. Peel, I believe he stated that it was by Sir Edward Littlehales,) whether the individual in question was a Protestant. Mr. M'Dougal not only mentioned these circumstances to me, but he also mentioned them to a very respectable merchant of the city of Dublin, Mr. Nicholas Mahon; who, when some controversy arose as to the truth, or the full extent of the truth of my statement, corroborated the body of the facts which I had publicly mentioned. I think it right to add, that Mr. M'Dougal requested me not to mention these circumstances; from which obligation, I conceive, that his death has completely released me;

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me; as I supposed he was apprehensive, that a disclosure of this conversation might prejudice him in his advancement in his profession; whether he was right or not I do not know. I did not state in public that Kirwin received no reward; but perhaps I was guilty of some rhetorical artifice, in not adding, that he received the reward of 30*l.* which was the only reward that he did receive for saving the lives of eleven persons. I certainly did insinuate, that the question, whether Kirwin was a Protestant, had been put by the authority of Mr. Peel; and I did conceive, that the person who had this conversation with Mr. M'Dougal, had been instructed to ask that question; perhaps I was not warranted in drawing the inference, but I certainly did not state, that Mr. Peel gave no remuneration to the individual in question; on the contrary, I know that the individual in question received the small sum of 30*l.* and received nothing more.

Did Mr. M'Dougal inform you, that the only communication he ever had with Mr. Peel on that subject was in writing?—Mr. M'Dougal did not state that to me; allow me to add, that a few days before I left Dublin, the individual concerned in this act of very signal humanity came to Dublin, in consequence of his having seen that I had made mention of his name, and asked me to draw a memorial for him to the Lord Lieutenant, setting forth the extent of his services; which memorial I was prevented from drawing by the necessity of coming over to this country. Kirwin stated to me, that he himself and Mr. M'Dougal had an interview with Mr. Peel; how far he was right, I cannot state. I know the propensity among the lower classes to put forth every thing in a light the most favourable to themselves; I am inclined to think he must have been under some mistake, and that he saw some other person whom he mistook for Mr. Peel; Kirwin is thirty-six years of age, and when he asked for some small place in the Revenue, he stated that Mr. Peel observed, that he was too old; which I apprehend Mr. Peel would not have stated, for he is a very strong and healthy man; I conceive therefore it is unlikely that he could have had such an interview, for the person who told him his age was an obstacle to his appointment, must have been mocking him.

Did Mr. M'Dougal tell you, that he wrote a letter to Mr. Peel, in which he stated that this man was in the utmost pecuniary distress, and had been actually in prison some time for a debt of 6*l.*; Mr. M'Dougal having himself released him from prison, and thinking it a great reflection upon the town in which he lived, that such a man should have remained in prison?—Mr. M'Dougal did not mention this fact to me, but I do think that Mr. M'Dougal stated to me he had written a letter to Mr. Peel.

Did Mr. M'Dougal tell you that Mr. Peel's answer to that letter was to this effect; that General Doyle, who commanded the district, had been instructed to examine into all the claims that had been preferred by persons who had been instrumental in saving lives from that ship; that he begged Mr. M'Dougal would see General Doyle, would lay the claims of this individual before him, and that General Doyle would make a report to Mr. Peel upon the subject?—He did not; but Kirwin subsequently told me that he had a conversation with General Doyle, and that General Doyle put it to his election, whether he would take 30*l.* or wait until he should get some small place; and that he preferred taking the 30*l.*: and Kirwin said also, that it was mentioned to him, that his name was taken down at the Castle in the list of promotion for some petty office; but that he had not been appointed, although some years had elapsed, and he requested me to draw a memorial for him, calling the attention of government to that fact.

Did Mr. M'Dougal conceal from you the important fact, that the whole case had been referred to General Doyle, with instructions to enquire into the whole of it?—Mr. M'Dougal did not mention it; it was at the bar mess at Kilkenny he mentioned the circumstances I have detailed. Mr. M'Dougal was a gentleman of what I call liberal opinions; he was favourable to Roman Catholic emancipation; we were observing in conversation, that the most profitable course a Protestant could pursue in Ireland was to support the doctrines of Ascendancy: he did not mention the facts for the purpose of public statement, but, on the contrary, laid me under an injunction of secrecy, which I obeyed while he lived.

But he concealed the fact, that this case was referred, with others, to the General commanding in the district; that 30*l.* was presented to the individual, that having been reported by the General to be a remuneration for those services?—Mr. M'Dougal laid no stress upon any circumstance except upon the question having been asked, whether Kirwin was a Protestant, and that it should have been made

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an ingredient by men in power, in the consideration of the extent of his remuneration. That was the gist of the conversation.

Are you aware of the fact now, that this case was referred to the same individual to whom every other case had been referred, which individual being a general officer of the district, was instructed to report to the government what sum he thought was a just remuneration to each individual respectively for the services they had performed, and that the sum named by General Doyle as a proper remuneration to Kirwin was 30*l.*, and that 30*l.* was paid to him?—I am not aware that any such reference was made.

You are aware of it now, by the communication you have had subsequently with Kirwin?—I am merely aware of this, that General Doyle put it to his election whether he would take 30*l.* or take the promise of promotion; but I am not aware that there was any reference made to General Doyle, I am merely aware of the naked fact I have mentioned.

You are aware that the individual had an offer from the general officer of the district, either that he should receive the sum of 30*l.* to be paid immediately, or if he preferred it, that his name should be placed upon the list of candidates for small appointments in the revenue?—I am; and I beg to add, I conceive that the question as to whether he was a Protestant, if ever put, was put with a view to ascertain whether he should be placed in a situation of respectability or weight, and that religion in Ireland does decide the place which an individual is to hold in connection with the government, or in any of its inferior departments.

What was the employment of Kirwin?—I heard he was a fisherman, but he himself told me, since my statement, that he was a farmer, and he certainly appears to be a very decent man, he reads and writes; I should call him a very intelligent man.

Mr. M'Dougal informed you that he was a fisherman, did he not?—I think he did; but I afterwards, in conversation with himself, found he was a farmer; he lives on the sea coast.

What place of weight and responsibility could an individual who was a fisherman, and had remained in prison for a debt of 6*l.*, expect from the government?—I think that weight and responsibility are relative terms, and that a person in an inferior class may be trusted with employments that are of consequence and require fidelity and good conduct, the salary of which at all events is of moment; I think that a salary of 60*l.* a year given to this humble man, if employed in some small office, would have been a matter of great importance to him; and I think that the question, whether he was a Protestant, if at all put (which I believe, although I do not positively state it, I had it merely on the authority of Mr. M'Dougal), was put with a view to determine whether he should be employed, and in what way.

How do you reconcile that answer with Kirwin's own statement, that the offer of a place was made to him if he preferred waiting for a place rather than receiving a sum of money at once?—I think the nature and importance of the place was to be determined by the religion; if he had been a Protestant he would probably have been employed in a situation of that class to which Protestants are usually promoted.

Do you know the places to which Kirwin would have been eligible?—There are many situations in the police, many situations in the revenue; for instance, the place of water guard; and other places which he might have held.

Supposing the place of water guard should have been established since the claim of Kirwin was presented to the government, you would not in that case draw any inference from his not being appointed to that?—I mention the place of water guard merely as illustrative of the sort of place he might have held; of course analogous places must have existed before that of water guard was established.

Do you know that in many instances places in the revenue are places of promotion, and that it is absolutely necessary to belong to a subordinate class before a man can be promoted to a higher?—I am aware of that; but I think the most inferior situation in the revenue would have been an object to this poor man.

Mr. M'Dougal did not state to you, that Mr. Peel was the person who put the question as to his being a Protestant or a Roman Catholic?—Mr. M'Dougal did not state to me, that Mr. Peel was the person who put that question; he stated, that it was put by a person attached to the Castle, but I conceived it was suggested by Mr. Peel. I think it right to add, I am not disposed to think so now.

As at present informed, do not you think, that if General Doyle suggested that 30*l.* was a fit remuneration to be made to Kirwin, and if 30*l.* was paid to him, that no impression unfavourable to the government, in respect to its partiality,

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ought to arise upon that case?—I conceive, that if the sum of 30*l.* only was paid to a person who had saved the lives of eleven men in the employment of government, such a sum was an inadequate remuneration.

Supposing the general officer, who was requested to inquire into that and other circumstances, reported 30*l.* to be a fit sum, regard being had to the class of life of Kirwin, do not you think, that then a person in the situation of chief secretary to the Lord Lieutenant, and who could not, of course, make personal inquiry, would be justified in acting upon the opinion and report of the individual who had been directed to inquire?—I think that the secretary to the Lord Lieutenant, having learned that the lives of eleven persons in his Majesty's service had been saved by the exertions of an humble man, ought to have been greatly struck by an action so heroic and so useful, and should not have made the report of a general officer the medium by which his own estimate of the moral merit of such an action ought to have been determined.

You do not suppose that General Doyle lessened the reward to Kirwin, because he was a Roman Catholic?—I am sure he did not; but I cannot answer for the moral scale by which General Doyle estimated the value of Kirwin's conduct.

You think that 30*l.* was an inadequate reward for the service performed?—I certainly do. Three officers were saved, and eight soldiers; and that at a moment, when, I am sorry to say, others were committing acts of the greatest barbarity.

Who were the persons employed to report on the facts; were they not the general officers of the district?—I presume that to be the case.

Was it likely that General Doyle, an officer himself, would undervalue the services of a man who had been instrumental in saving the lives of soldiers?—I will not undertake to dispute on the point of moral taste. I cannot pronounce upon the ethics or military sensibilities of General Doyle.

In the statement you have made, you stated, that the person at the Castle with whom Mr. M'Dougal communicated, retired to another room, and upon his returning, asked whether Kirwin was a Protestant or Catholic?—I did; and I think it now right to mention, that in that particular there was perhaps a rhetorical colouring in the specification of so minute a circumstance, which was not perhaps perfectly warranted; I cannot now positively say that Mr. M'Dougal did not state to me that it was upon the return of the inferior officer at the Castle that the question was put; but, speaking as a conscientious man ought to do upon so important an occasion as the present, I think it right to mention, that I do not distinctly recollect that he did state it; upon the other hand, I will not negative that statement.

The inference which was natural to be drawn from that statement to you was, that the person so retiring had, in the interval a communication from Mr. Peel; and that, in consequence of that communication, the question with respect to religion was afterwards put?—Unquestionably it was my object to convey by insinuation, what I did not think judicious directly to affirm; but I think it right to add, that my own firm conviction is, that religion is, more or less, made the test in the allocation of even the most minor office in Ireland.

Your intention was to convey an impression that that question with respect to religion was put by the directions of Mr. Peel, either at that moment given, or previously communicated?—My object at that time was to intimate to the public, that the suggestion had been made by Mr. Peel; my impression then was, that the question was put by his direction; I now think, from the manner of Mr. Peel's examination, that Mr. Peel did not, in that specific instance, direct the question to be put, but that it was asked by an inferior officer, from his knowledge of the habits and the mind of the then Secretary to the Lord Lieutenant, under whom he acted, and from the principles on which promotion is carried on.

You have no distinct reason for making that assertion; you had no ground except your own surmise for stating that that question had originated with Mr. Peel?—I did not state that question had originated with Mr. Peel; I merely left it to be inferred.

Had you, at the time you left it so to be inferred, any distinct ground whatever upon which you could rest such an assertion?—I have this fact; that a person in the employment of Mr. Peel, who must have been acquainted with his habits of thinking and his feelings, had asked the question, and I think I was not unfair in attributing that question to a higher source.

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Are you quite sure that Sir Edward Littlehales was the person who put that question to Mr. M'Dougal?—I am not sure of it; Sir Edward's name was mentioned to me in the course of the conversation, but whether in reference to this particular part of the case, I cannot take upon myself to say; I believe it was his name that was mentioned, but I cannot positively affirm it.

Do you think it fair to infer, merely that a particular question originated with an individual whom you name, when all you know is, that it was put by another person, between which person and the individual named, you think there is a general accordance in political sentiments?—I do think it quite fair; I think it very natural that the “winking of authority” should be attended to by any persons holding inferior capacities.

In this case you imply a particular fact, although you admit that you have no reason whatever to believe that fact actually to have taken place?—I found a specific fact; I found that the question was asked by a person in the employment or in dependancy on Mr. Peel.

How do you know that fact?—I was told by Mr. M'Dougal, that the question was asked by a person at the Castle, who was the individual through whom the communication was made to Mr. Peel; he told me that the question was asked of him just before he had the interview with Mr. Peel.

And by Sir Edward Littlehales?—I do not state that positively; I endeavour to distinguish between my perfect recollection and my more obscure belief.

Did Mr. M'Dougal state what passed between himself and Mr. Peel?—He did not; the conversation between Mr. M'Dougal and me did not at that time produce any deep impression upon me; it was casual; it was stated merely in common convivial intercourse, without any object whatever upon the part of Mr. M'Dougal. I afterwards happened to recollect it, and I found that it illustrated the general principle upon which the government had acted; when I find all the inferior offices almost universally filled with Protestants; when I find the police filled by Protestants, I cannot help thinking that it is the principle by which government are swayed.

You stated, that what you meant to state was as a charge against Mr. Peel; that the application for reward being made to him in favour of an individual, he wished to ascertain the religious creed of that individual, before he decided on the amount and nature of that reward; that was the charge which you meant to bring against Mr. Peel, and which you distinctly stated. It now appears that you had no grounds upon which you could have been warranted in asserting that the question, admitting it to have been put by any body, did arise directly or indirectly from Mr. Peel?—I did not distinctly state that the question was put at the instance of Mr. Peel. I now state that, in my opinion, a general system exists in Ireland, which would have prompted the question; and that I should conceive that Mr. Peel, acting only in consistency with the principles which he had avowed, would not only naturally, but perhaps justifiably, have asked the question.

You infer then, from the question which was put by an inferior officer about the Castle, that the answer to that question would be considered as a matter of some importance by the superior officers of government?—I do; I think that the persons at the head of the government would not have been swayed by any religious consideration, in determining what sum of money ought to be given to Kirwin. I think his religion would have been entirely left out of the mere pecuniary question; but I think the government would have been swayed by the consideration of his religion in determining to what place he should be advanced; and that is the reason why I think the question was put.

Were you rightly understood, that this communication from Mr. M'Dougal to you was not a formal communication for the purpose of placing you in possession of those facts, but a casual observation at a dinner table, with perhaps other persons present?—It was a casual conversation; there were other persons present, but it was told to me in a whisper; Mr. M'Dougal mentioned to me, that when the question was put to him whether Kirwin was a Protestant, he answered, that Kirwin did not ask whether the eleven persons whom he saved were Protestants at the time he was plunging into the sea.

It was not then a formal communication made by Mr. M'Dougal, for the purpose of your instituting any public proceedings upon it?—Certainly not; it was merely accidental.

Are you at all aware how many persons were engaged in saving the lives of the soldiers at that shipwreck?—I believe that no individual whatever exerted himself

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to save the lives of the soldiers on board the two transports that were wrecked, except this individual; I believe the crowd on the sea-coast assembled together for the purpose of plundering the wrecks, a practice not confined to Ireland, but which prevails as extensively on the coast of Cornwall; so far was their barbarity carried, that they actually cut off the fingers of the dead bodies of some women for the purpose of obtaining rings.

But you understood there was no other individual actually employed in saving the lives of those soldiers?—I believe no other.

From whom do you get your information; have you examined into it yourself?—I recollect the statement made in the public newspaper at the time; I recollect the statement made by Mr. M'Dougal, and I have also the statement of Kirwin himself.

How great a length of time elapsed between this conversation which you had with Mr. M'Dougal and the public statement which you made, to which your examination has been directed?—I cannot state with much distinctness; I think about three or four years.

Had you made inquiry into the facts in the interval at all?—I made none; I knew that those transports had been wrecked; I knew that this Kirwin had distinguished himself by his humanity, and I believed Mr. M'Dougal's statement to me (he was a highly respectable gentleman) to be fact.

It was then from your recollection of this casual conversation with Mr. M'Dougal at this table, and without any particular enquiries as to the conduct of Kirwin in the mean time, that you made the public statement to which reference has been made?—It was; and in making that statement I selected the fact with no other view than that of putting the general principle in a more conspicuous light.

Have you heard that any other persons were rewarded for having shared in the merits of that transaction to which you refer?—No.

Did Kirwin go out in a boat?—No; he is a very expert swimmer, he swam repeatedly from the shore to the wrecks, and saved the lives of eleven men.

Did he state that he was dissatisfied with the reward at the time?—No; he appeared on the contrary to be grateful for the little that had been done for him.

Has not the 30*l.* he then received been the chief source of his prosperity since?—I hardly think, that even in so wretched a country as Ireland, 30*l.* would be considered as having made a man's fortune.

If he had remained in gaol from inability to pay 6*l.*, do not you think that 30*l.* makes a great difference to a man in that situation of life?—It makes a difference; but I think government should have taken into their consideration the extent of the service he had performed, and the nobleness of the action, as well as the poverty of his circumstances.

Why do you think government ought to have acted upon the representation of Mr. M'Dougal alone, in preference to that of General Doyle?—I am not disposed to say so; for it would be very unreasonable, that the government should have preferred the mere *dictum* of Mr. M'Dougal, to the authorized statement of General Doyle.

Did Mr. M'Dougal say, that he had advised a larger sum to be given to this man?—He did not tell me that he had given any advice at all.

He did not tell you, that he had received any reward?—He told me he had received some reward.

Did you mention that in your speech?—I did not; and I have before mentioned that; I perhaps deserve some sort of blame for not having added the fact; but I consider, that if I had mentioned, that a man who had saved the lives of eleven persons, among whom there were three officers, had received so miserable a sum as 30*l.* as a reward, I should not have stated any thing redounding to the credit of government.

Do not you think, that the officers themselves ought to have given him something?—I do; Kirwin said the officers did not give him a single penny.

Do you know, that in Ireland, country servants are engaged for five and six pounds a year?—Yes; but this man is above the condition of a servant; he told me he farms lands at present, for which he pays 100*l.* a year; whether his doing so arises from his having received 30*l.*, I must leave to the Committee to determine.

You say, that you merely stated this case, as an instance of the injustice which you knew to prevail in the government, that of excluding the Roman Catholics from situations to which they were otherwise eligible?—I stated, that my object in mentioning

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mentioning that circumstance, was to put in a more conspicuous and striking point of view, the principle upon which, I was convinced, that government acted.

Upon what facts does your conviction of the mode in which government act, rest?—A great majority of the people of Ireland are Roman Catholics; the police which is selected from the lower orders, are almost entirely Protestants. This remark is equally applicable to other pursuits and professions. I shall take my own profession as a strong example. Since the year 1793, there have been about 120 Roman Catholics admitted to the bar; some time ago I went to the hanaper office, to ascertain for the present Attorney General for Ireland, the number of Roman Catholics who had been admitted to the bar since 1793; I found there had been 105 Roman Catholics and about 500 Protestants admitted up to the same period; not a single Roman Catholic barrister had been promoted, with the exception of Mr. Farrell, (who has been recently appointed, I believe, through the personal regard of Lord Wellesley) to any place to which Roman Catholics are admissible by law. The exclusion of so large a body from all employment, led me to the conclusion, that the profession of the Roman Catholic religion, was an obstacle to professional promotion. It is right that I should here observe, that Mr. Blake, a Roman Catholic, has been appointed Remembrancer of the court of Exchequer. For that gentleman, Lord Wellesley is known to entertain a strong friendship, which may account for his selection in despite of his religion. He was not a member of the Irish bar, nor is his office, I believe, necessarily connected with the bar. Its duties were formerly filled by Mr. Thompson, an attorney. It is right that I should observe, that my remarks, as to the exclusion of Roman Catholics, were not intended to apply to Lord Wellesley's administration. Let me be permitted to mention as an exemplification of this sectarian principle of selection, a fact in an individual case. Mr. Bellew, who is connected with Lord Fingal, and who is a gentleman of a most respectable Catholic family, told me, that Lord Castlereagh had, about the time of the Union, promised him the situation of assistant barrister, and when a vacancy occurred, he applied to the government to fulfil the promise: he was then informed, that there were reasons which precluded the possibility of appointing him; but that to reward him for the disappointment, he should receive a pension of 400*l.* a year, being the salary of assistant barrister; he added, that he had no doubt upon his mind, that government declined to appoint him on account of his religion.

Is he alive now?—He is.

Did Mr. Bellew mention in what year it was that this took place?—No, he did not. I believe it was Lord Redesdale who prevented his appointment, in as much as Lord Redesdale was of opinion that no Roman Catholic should have a situation in the administration of justice, at all connected with judicial power.

Did he get the pension?—He did, and it was afterwards increased; thus the individual was rewarded, but the class to which he belonged was stigmatized. The government have a great patronage connected with the Irish bar; there are nearly as many places as there are barristers; and I think when I find that no Roman Catholic has been appointed since the year 1793, with the exception of Mr. Farrell, and when I consider that there are many individuals of the Catholic bar, of talent, knowledge, and assiduity, of whom none are promoted, I must conclude that it is their religion which stands in the way of their promotion; it is the opinion of the whole bar that if Mr. Bellew had been a Protestant, he would have reached the height of his profession. In consequence of his not having been appointed King's counsel, he has much less business in chancery, for which he is admirably qualified. None but King's counsel can be much employed in the Irish Court of Chancery. The individual who follows seven or eight King's counsel, cannot expect a very favourable audience. I mention Mr. Bellew's case as one of severe hardship.

Mr. Thompson to whom you have referred, is a barrister, is he not?—I always understood that he was an attorney. These facts illustrate the justice of my assertion, that religion enters into the consideration of the government, in the allocation of its rewards, and in making appointments to situations which Catholics are capable of holding.

Sometimes an individual at the bar holds language, with respect to government, which might make it difficult to select him?—Sometimes individuals use language which may provoke the resentment, and perhaps in some cases incur even the just censure of government; but allowance ought to be made for the use of expressions which are prompted by what those individuals regard as monstrous wrong; that language is suggested by not mal-emotions. In the midst of large assemblies, the passions of men become heated, and if vehemence of expression is employed, it

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is provoked by injury, and by that state of feeling which is produced by the law. But the individuals alluded to are few in number. There are not above two or three Catholic barristers who take such an active share in political proceedings, as can be offensive to government. The rest of the bar, although greatly irritated by the injustice of their exclusion from place and honour, from motives of personal prudence abstain from all interference, yet the silent and more accommodating persons are as much overlooked as the bolder and more angry few who complain of political injustice. I may be permitted to add, with respect to the individuals who take a part in public proceedings, that I am persuaded they not only would not employ vehement language in public assemblies, but that if the Catholic question was settled, they would scarcely enter into any public assembly whatever; at least I can answer for myself, if I had a fair chance of reaching that station in my profession for which my faculties may perhaps disqualify me, but in the way to which, in addition to the disqualification which may be produced by my incapacity, the law has created exasperating impediments; I say if those obstructions were removed, I should take no further part in political concerns, for I am satisfied, that so far from assisting the advancement of an advocate in his profession, an interference in politics arrests his progress, and if I interfere at present, it is because I consider it a duty to use every effort to procure a removal of the disqualifications under which I labour.

Do you think, in case the general question of Catholic emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?—I am convinced that it would not be in the power of any man, no matter however great his influence might be, nor no matter how perverse his ambition might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country. Let me take the question of the Union as an example; there are many who suppose, that if the Catholic question were to be satisfactorily arranged, the merits of the Union would be discussed. But I am convinced, that if the Catholic question were settled, a great body of the population, so far from being dissatisfied, would be perfectly contented with the Union, or be indifferent to it. Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purposes of rhetorical excitement, and not with any serious view, upon the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question, I beg to add this, that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited: at present individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together.

Do you happen to know the proportions of Roman Catholics and Protestants who are employed in the Police?—I myself do not know it exactly; but a Parliamentary return has been published on the subject, and I believe in the county of Limerick it appears there were not above forty police men Catholic, out of a hundred and fifty.

You stated the inequality of the numbers as the ground upon which you formed an opinion, that the government was influenced by that principle, in making the appointment?—When I find a decided minority of Roman Catholics in the police, where there is so decided a majority in the population, and where I find the police are selected from the lower orders, I must consider religion as the principle on which the selection is made. In Dublin I believe almost the whole police are Protestant.

By whom are the police men appointed?—I believe the police men are appointed at present by the chief constables. Speaking on the subject of the police, I may be perhaps allowed to mention the case of one Delap, as connected with the administration of justice, from which subject the examination has diverged. I was about to state several facts, which shew the administration of justice is not perfectly pure, when I was led from that topic to other matter; I am prepared to state other facts.

Did you ever know an instance in which the question of religion actually interfered with the appointment or non-appointment of a police man?—No; for my occupations are of such a nature as put me out of the way of obtaining knowledge of that kind; but I can mention a fact which exhibits the feeling of the people upon

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upon the subject, and their suspicions generate as great an evil as if that principle operated. I recollect a police man was found guilty at the last assizes at Clonmel of murder. I walked through the streets after the conviction, and attended particularly to the observations of the lower orders respecting this conviction. Many of the people said, "We are sure he will not be executed, because he is a Protestant;" that is a most fatal feeling, and means ought to be taken to remove it.

Do you think that individual ought to have been executed?—He ought not to have been hanged, because, though it was murder in law, it was not in morals: he had drunk too much; he was returning to the place where he was quartered from Clonmel, upon a car; a peasant lad came out on a sudden, in the dusk of the evening, from a house on the road, and made some clamour or noise. The police man conceived that this boy was going to shoot him: he resolved to anticipate him, and shot him dead; the boy had no arms in his hands. Under these circumstances it was thought by the judge that the police man ought to be spared; but the lower orders, without knowing any thing of the facts, said, as a matter of course, "He is a Protestant, and of course will be pardoned."

Do you think the proportion of the population is a consideration which ought to guide the government in their appointments?—I think it ought to be taken into consideration; government should endeavour to conciliate and tranquillize a great body of the community, who not only have the power of acquiring wealth and intelligence, but have actually acquired both; they ought to take into consideration the feelings of that great body, who not only find themselves branded on account of their religion, but who sustain actual and positive deprivation. A wise government, in its appointments, ought to regard the feelings of the majority of the people.

You go the Leinster circuit?—I do.

Do you happen to know the proportion that Roman Catholics and Protestants bear to each other in the Excise department?—I do not; but I know the Custom-house of Dublin was filled not only with Protestants, but with Orangemen; that evil, I believe, has been cured; I believe a great purification of the Custom-house has taken place.

In what mode has the purification been effected?—I believe, by the Commissioners appointed for the purpose.

Has it been by the removal of the Protestants, or the insertion of Catholics?—I believe it has arisen from making a selection from a better and more fitting class; the Custom-house was an object of patronage with the government; Members of Parliament constantly exercised their influence for the purpose of obtaining small places connected with the Custom-house: in consequence, very unworthy persons were appointed; those persons were generally Protestants; being brought together into one office, their feelings were strengthened by cohesion; they valued themselves on their religion; men assumed the pretensions of high gentlemen, who had only one qualification of a gentleman in Ireland, namely, the Protestant religion.

What principle do you suppose influenced the Members of Parliament in recommending those persons?—The Members of Parliament who recommended the individuals did not probably take their religion at all into the account; but the persons employed in the Custom-house were of the description I have mentioned, and put on all the airs and insolence of Orangeism.

Do you know that in the Revenue there are very few Roman Catholics?—I do not; I know some persons who have been employed in the Custom-house; I learned from them, that the clerks were Orangemen; their discourse turned upon the necessity of keeping Papists down.

The point with which you set out was, that there was not a fair opening to the admission of Roman Catholics, and that the Roman Catholics were excluded by the practice of the government?—I stated it with reference to the police, and with respect to my own profession, of which, of course, I have more accurate knowledge; with respect to the Revenue, I believe the majority of persons in employment are Protestants, and also Orangemen, but I am not able to state whether the principle of their original appointment was connected with religion; the supporters of Ascendancy would naturally take religion into account.

Are you aware that Mr. Thery, the Commissioner of Excise, and Mr. Troy, who is at present Collector of Limerick, are both Catholics?—I am aware of it; Mr. Thery told me he was appointed in consequence of a special recommendation from Mr. Edmund Burke, given many years ago, and afterwards attended to.

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Do you know at what time they were admitted; by what Administration?—I believe it was by the Bedford Administration.

You mean to say then, that in point of fact, the Roman Catholics do not enjoy a fair proportion of the patronage of government?—I am sure of it; the promotions at the bar establish the fact.

Do you know any thing of the Post-office in Dublin?—No; I know only one individual who holds a place in the Post-office of Dublin, and he is a Roman Catholic; but he has informed me, that the conversation which takes place in the Post-office among the clerks (persons holding offices analogous to his own) perpetually turns upon the necessity of supporting Orangemen, and keeping the Papists in subjection.

Do you know the proportion of Roman Catholics and Protestants in that establishment?—I do not.

Which do you think preponderate?—If I may be allowed to conjecture, or to do more than conjecture, and to presume that government act, with respect to the Post-office, in the same way as I believe they do with respect to other departments, I should say that Protestants preponderate.

The Post-office is not a department on which you have formed your opinion of the conduct of government, in this instance?—No; but when I find that my Lord O'Neill is at the head of the Post-office, and is also notoriously at the head of the Orange party, I presume that his opinions have not only been communicated to those who act in inferior departments; and if he has any patronage, of course he exercises it in favour of persons who sympathize in politics with himself.

If you found that the majority of persons employed in the Post-office were Roman Catholics, what would be your inference?—My inference certainly would not be, that they had been appointed in consequence of being Roman Catholics; and I should not be able to account for the circumstance, unless they were persons eminently well qualified, who had been recommended, on the ground of that qualification, by an excellent officer, Sir Edward Lees.

In the case of Protestants, you would conceive they had been appointed in consequence of their religion?—I think it would assist their appointment. If I were opposed to the Catholic claims, and anxious to support the system of Ascendancy, I should consider the most efficient mode of supporting that system would be, to exclude Catholics from even inferior situations, and thus deprive them of the influence which those situations would confer. By holding such employments, Roman Catholics would obtain another step on the ladder. The greater the influence of the Catholic body, the more difficult it must be to resist their claims to emancipation. It is with a view to ulterior objects, that they are excluded from minor offices. It is in order to diminish the weight and consequence of the whole body of Catholics, and sustain the general system of Ascendancy, that they are denied their due participation in the places of emolument, to which they are admissible by law. This is the result of the general spirit of the penal code, which, independently of its evils upon society, works much individual wrong.

If it should appear that the majority were Roman Catholics, why would not you attribute that circumstance to favour to the Roman Catholics, as you state, that if the majority were Protestants, you would attribute it to favour and partiality to them?—Because there is reason for the one, and not for the other.

You stated, that you conceive appointments ought to be made according to the proportion of the population?—I do.

Do you think that principle has application to the bar?—I think government ought to take it into consideration. I know that the appointment of Mr. Farrell has been a most popular measure; I know that it gave great satisfaction to the people, and I am sure it would be conducive to the purposes of tranquillity, if the lower orders saw persons of their own religion intrusted with office and authority.

Do you mean to say, that founding the principle of selection on the proportion of numbers, a less qualified person ought to be appointed to any situation, merely on account of that supposed proportion between the numbers?—I do not; but I know, and it is the opinion of the persons highest at the bar, that Roman Catholics are fully as well qualified as Protestants.

Then you mean to infer, that, *ceteris paribus*, the claims of merit, regard ought to be paid to numbers?—Certainly; with a view to the conciliation of the people, it is more important to conciliate the majority of the people who are Catholic, than to gratify the cupidity of the majority of the bar, who are at present Protestant. Besides, Roman Catholics being excluded from the higher offices, the government

government ought, in justice, to make up for that exclusion by appointing them to the inferior.

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You state, that the proportion of Protestants to Catholics, at the bar, is about five to one?—It was recently so; but that proportion is becoming essentially different. The Roman Catholic bar are rapidly increasing, and they will, in my opinion, increase in a greater proportion than the comparative property of Protestants and Catholics would lead one to suppose. A Roman Catholic who acquires money in trade, makes his son a barrister. It is a feather in his cap to have a counsellor in the family. The bar in Ireland enjoy more station than in this country; and to enroll his son in this class, who, from the absence of persons of real rank, enjoy an artificial importance, has become an object of ambition. There are more Roman Catholics in trade than Protestants, and, in consequence, the number of Roman Catholics sent to the bar from this motive, must exceed the number of Protestants. Besides, the Protestant church enables its members to provide for their families, by making parsons of their sons. The Catholic is deprived of this source of provision, and sends his sons to the bar. I recollect, that about two years ago, eight gentlemen were called, in the same term, to the bar: four of them were Protestants, and four were Catholics.

Previous to four years ago, the proportion of Protestants to Roman Catholics was considerably greater?—Yes.

The proportion of Roman Catholic barristers you think is augmenting?—Yes, rapidly; and in the course of a few years, the number of Catholics and Protestants, I think, will be nearly the same.

At present they are five to one, and before a late period, the proportion of Protestants was greater?—Yes: I shall mention a reason why the number of Protestant barristers should, as yet, so much exceed that of Catholics; Protestants come to the bar, not only with a view to rise in their profession by the exercise of their talents, but because the expectation of patronage allures them to a profession to which so many places are annexed.

Do you think it possible that any previous government, finding the proportion of Protestant barristers to Roman Catholics, supposing their acquirements to be equal, could have gone upon the principle of appointing Catholic barristers in the proportion of the Roman Catholic population to the Protestant?—Not, certainly, in the same proportion; but I think that Catholic barristers ought not to have been excluded, and regard ought to have been had to the feelings of the great body of the people, which would have been conciliated by their nomination of Roman Catholics.

You stated, that the Roman Catholics bear a great disproportion to those of the Reformed Church, in the Police in Ireland?—I believe that appears from the Parliamentary return.

Did you ever hear that the Roman Catholics had a disinclination to serve in the police in Ireland?—I never did; on the contrary, I am sure they have no objection.

Did you never hear that they looked upon the police as the realization of some old prophecy about a black militia which was to arise, at this period, and to kill all the Roman Catholics?—I never heard any such thing.

Have you turned in your mind the question of the qualification at present required for a Roman Catholic freeholder?—I have not given it a great deal of attention; but this I will say, that if it was put to the Roman Catholic body whether they would accept of Roman Catholic emancipation upon the indispensable terms of raising the qualification of the freeholders, Catholic emancipation is a matter of such paramount moment, that the people would be ready, and more than ready, that they would be most anxious to accept of emancipation even upon such conditions; and I further think, that so far from its being an injury, it would be a benefit to the lower orders, that the qualification should be raised, and that the mass of the peasantry should not be invested every five or six years with a mere resemblance of political authority, which does not naturally belong to them, and which is quite unreal.

Do you think it would be in any respect practicable to effect an alteration in the qualification of the freeholder, unless accompanied with the measure to which you have already alluded?—I think Catholic emancipation should be made the precursor of such a measure; I am convinced that if such a measure was attempted without Catholic emancipation, it would only tend to produce deeper bitterness of feeling than now exists.

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Are you aware of the proportion of Roman Catholics and Protestants in the Excise?—I am not.

Are you not aware that the gaugers in the Excise are generally Roman Catholics?—I am not.

What is your opinion respecting making a government Provision for the Catholic clergy?—I am convinced that the Roman Catholic clergy would accept of such a provision, if Roman Catholic emancipation were to precede it.

Would they accept of it without emancipation?—I am sure that they would not.

Do you think that it would cause any jealousy on the part of the Roman Catholic laity?—I think that if the provision to be granted by government were to be subject to the control of government, in individual cases there would be much jealousy, because the appointment would be referred to unworthy motives; I think the provision for the Roman Catholic clergy must be made in its allocation to individuals, independent of the government.

You think that it must be allocated to the duties, and not to the persons?—I think that there must be an allocation made to the duties, and that the individuals who are to fulfil those duties, and to be paid for their performances, must be selected by the hierarchy and not by the government; I think it would be very injurious that a parish priest, receiving three or four or five hundred a year of the treasury, should be named by the government.

Do you think Catholic emancipation would be a perfect measure without the payment of the priesthood, and without raising the qualification for the exercise of the elective franchise?—With respect to the raising the qualification of freeholders, I am not perhaps very well competent to judge, for I have not resided much in the country parts of Ireland, nor am I much acquainted with the lower orders; but I am well acquainted with the Roman Catholic clergy, and in my opinion, if a provision were granted to them, provided always it was made independent of the government (that is indispensable), the result would be, that the lower orders would not be alienated from the priesthood, but that the influence of the latter would continue to be usefully and legitimately exercised, that they would be perfectly reconciled with the government, and that the Roman Catholic gentry would be induced to send the younger members of their families into the Roman Catholic church, a better system of education would be established, and the intellectual habits of the priesthood would become more refined.

You mean, that the provision should be inalienable, after it was once granted?—I mean, that when a vacancy occurs by the death of a parish priest (I take the case of a parish priest as an example) the person who is to succeed is not to be selected by the government, that is all I meant to say. If the appointment were to be made by the government, two evils would result; in the first place, the lower orders would be quite alienated from their clergy (which would be a most serious evil); and in the second place, I conceive that unworthy persons would be appointed.

How is the appointment made at present?—The appointment of the parish priest at present is made by the bishop.

The Roman Catholic bishop of the diocese has the absolute appointment to all the parishes within his diocese?—Yes; but the Roman Catholic hierarchy, though absolute in name, are greatly under the influence of public opinion; they generally select the individual whom the parishioners wish to nominate.

They consult the wish of the parishioners in the appointment?—Yes.

Do you think any interference whatever, direct or indirect, on the part of government, in the appointment of the bishop, would be equally objected to?—I myself, at one time, supported what is commonly called the *veto*. My opinion was, that Roman Catholic emancipation, or in other words, the liberty of my country, ought to be purchased, even at some hazard; but I think the measure of a *veto* would (I will not say whether on just or unjust grounds) be extremely unpopular. The public mind has been heated upon the subject; the passions have been highly raised, and will not subside with rapidity; and I think that if the government were to insist on a *veto*, it would impede, for some time at least, the beneficial results of Catholic emancipation.

Do you mean by *veto*, the giving the crown an absolute *veto*?—I do; but I think any interference in the appointment of bishops objectionable; I am not sure, however, whether in the course of two or three years, when the people had become habituated to the exercise of this restrictive power, the public feeling would not become, if not reconciled to it, at least apathetic on the subject; but I certainly am apprehensive

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apprehensive that if the government possessed, without ever directly exercising this power, some suspicions as to the rectitude of the motives of men in office, in interfering in the appointment of bishops would exist, and that suspicion would in itself be an evil which ought to be avoided.

Do not you think, after the measure of general emancipation has been carried, supposing it to be carried, and the administration of the government with respect to the highest offices remained in the hands of government, their motives with respect to the appointment to subordinate offices would be very narrowly inquired into by the Roman Catholic body?—I am sure they would not; I think that Roman Catholics would obtain, if not places of high authority, at least places proximate to authority. Roman Catholics would obtain seats in Parliament, some would support and others oppose the government, all sectarian sentiment would be merged in political interest; such Roman Catholics as displayed talents would, I presume, be advanced by government for their services, and if a few only of the Catholic body were promoted, all suspicion of partiality would be at an end.

That is on the assumption that the removal of disability by law is perfectly and fairly acted upon by the executive government, and that individuals, according to their merit, being Roman Catholics, are promoted to the higher offices of the state?—I have assumed that the government would act with impartiality to a certain extent, but although the government should show some leaning in the distribution of its favours towards Protestants, and as they are seised of the greater part of the landed property of Ireland, for a considerable time the principal places would be given to the members of the established church, I still think the Roman Catholic body would not be sore upon the subject, if they saw Roman Catholics raising themselves to real distinction, and obtaining the power of protecting the community to which they belonged; they would not murmur at some preference being still manifested towards Protestants; a single individual of talent in the House of Commons, professing the Roman Catholic religion, and representing the feelings of the Roman Catholics, would to a great degree allay the spirit of hostility which prevails among the great body of the people of Ireland; because they would then feel that their rights were asserted, and that they had a voice in the legislature.

In the profession of the law, where the possession of property cannot be expected to have great weight, some reference would be made to the respective numbers at the bar, of Roman Catholics and Protestants?—I think the Roman Catholics would not be so unreasonable as not to take into account, in the first place, that the Protestants at the bar are more numerous, and in the second, that they have more patronage and more influence; but I think they would justly resent the omission to raise qualified persons to the rank of King's counsel.

Or to the judicial bench, if they have talent?—I doubt that; there are but twelve judges, and no individual can complain that he is not appointed to the judgment seat, as matter of personal injustice; it is, indeed, unjust that a whole class should be incapacitated by law. The exclusion from the bench is a political grievance which affects the whole body of Catholics, and carries a stigma with it; the ineligibility of the body is quite distinct from the non-election of the man. The omission to raise a Roman Catholic of high merit to the rank of King's counsel is an individual wrong, it throws him back in his profession, touches his pecuniary interests, places his inferiors in acquirement above his head, and wounds his honourable pride.

There is a power of granting a patent of precedence to a Roman Catholic?—Yes; but it has never been exercised.

When you express that the Roman Catholics would consent to the freeholders qualification being considerably raised, you conceive it would be a general measure, extending to Protestants as well as Catholics?—Certainly; if a distinction was taken, our elections would be scenes of religious agitation.

But that the qualification for Presbyterians, Dissenters, Churchmen, and Roman Catholics, should be the same?—Yes; and I think, that when the election law is about to be modified, it would not be injudicious, if persons having beneficial chattels real, should be entitled to vote; a man, with a lease for 999 years, which yields him forty or fifty pounds a year, should have a vote.

Do you think an arrangement of that kind, which would disqualify persons actually in possession of that franchise, and which they had exercised, and never abused, would give satisfaction to them?—I think the great body of the people of Ireland, particularly the freeholders, are greatly swayed by the higher class. I am sure that Mr. O'Connell's influence is so great, that if Catholic emancipation were

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were passed, he would reconcile them to the surrender of that, which is to a great extent but an imaginary right.

Do you think, he would reconcile the Presbyterian dissenters to it?—There his influence would be without effect; I am not at all acquainted with the north of Ireland, and I cannot say how the Presbyterians would feel; but with respect to the south of Ireland, I believe the tenant, who has, by virtue of forty shillings, a qualification to vote, would yield what is but a wretched appendage to his few acres of land, without much regret.

Supposing another gentleman should arise, who took another view of this from Mr. O'Connell, and should protest against the opinion of Mr. O'Connell, and should hold, that they were in possession of this right; that it was a right they had always exercised; that they had never abused it; some person like Doctor Doyle for instance; do not you think he might create a considerable party in the south of Ireland, in favour of retaining the elective franchise?—I think not; I think, indeed, that the lower orders in Ireland can be easily influenced by an appeal to their religious feelings; they feel greatly irritated at seeing every Protestant that passes them their superior; there is the point on which they are sore; with respect to the elective franchise, I do not think any individual would be able to excite any permanent feeling; the subject is not naturally connected with religion.

Being easily excited on subjects connected with religion, supposing those to whom they looked up in religion were to consider this a diminution of their influence, and were to protest against it, do not you think the influence of persons, who took that view of the subject, might create a considerable impression?—I think that the Roman Catholic, of the lower orders, could not be induced to think, that his religion was endangered by a general modification of the elective franchise. On the subject of the *veto*, the clergy have naturally exercised a very considerable influence; but there is no such connection between the elective franchise and religion, which would give any man the means of exciting the religious passions on that ground.

Have not cases occurred recently, in elections for counties, in which the influence of the priest has been very greatly exerted?—No doubt about it; but the influence of the priest in elections, arises from the question of Roman Catholic emancipation, and none other. It is in reference to that question, that it is exclusively exercised. If a priest came forward at an election, and directed the people not to vote for any man who would not support Parliamentary reform, the people would not listen to him; but when he tells them, not to vote for any man but who will support the Catholic claims, he makes an appeal, which in my opinion is justified by reason and sound sense; he could not, I think, produce any impression on the lower orders, except on some subject immediately involving a religious question, and not collaterally connected with it.

If he said, “do not vote for any man who will vote for the disqualifying of the freeholders,” would not he make an impression?—I am sure he would not; and I am sure the priests would feel no interest in the subject, and would not interfere. In the county of Dublin, the clergy exercised influence at the last election, but it was on a subject in which the clergy and people had a common concern; besides the passions of the people are at present extremely inflammable. It is only necessary to apply a spark to set them on fire; but even now it would be impossible to excite the people on a subject not involving their religion, and if emancipation were passed, a different feeling would speedily prevail, and the power of excitation would be diminished, because the popular passions would be allayed. It is the law which now creates the materials of public excitement.

Supposing the civil disabilities of the Roman Catholics were removed, and that in a county election there were two candidates, a Protestant and a Roman Catholic, do not you think it would be possible for the priest to make a very strong appeal to his flock, in favour of the Roman Catholic candidate?—He might make an appeal, but I think it would be unavailing; there would be an end to their political resentments. Even now, the Catholic priests are in the most cordial intimacy with Protestants; they perpetually dine with them; habits of close friendship exist between the Roman Catholic priesthood and the Protestants; there is no individual distaste towards the Protestant existing in the mind of the Catholic priest; he feels an antipathy only to the system by which he and his countrymen are kept in what he considers a state of degradation.

Then the existence of civil disabilities has created no disgust between the Roman Catholics and the Protestants?—I think where the Protestant gentry do not oppose Catholic emancipation, the priests and they are upon a good footing; but that
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where a Protestant gentleman opposes Catholic emancipation, he at once becomes an object of antipathy to the priesthood, in common with the rest of the Catholic community.

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You do not mean your last answer then to apply generally, as describing the state of feeling?—No; I confine it of course to what we call liberal Protestants, to whom the priests entertain a partiality.

What are the others called?—They are classed under the comprehensive name of Orangemen; some, of course, are more conspicuous for their hostility than others, and incur a corresponding aversion.

You make a distinction between a man who is an Orangeman and a man who is tainted with Orangeism?—There are some professed Orangemen, men who make Orangeism a matter of boast; they are extremely obnoxious. Others, who merely oppose Catholic emancipation, are looked upon with feelings of more mitigated aversion.

As the admission to Parliament, in case of the question of Catholic emancipation being carried, could be granted merely to Catholics of the higher orders of society, are you of opinion that such a boon granted to them would be a reasonable ground, or a probable ground of satisfaction to the lower orders of freeholders, for the loss of the elective franchise, if the amount of the qualification be raised, and the forty-shilling freeholder done away with?—I am convinced of it.

Would not the circumstance of granting emancipation remove all prejudices that might exist in respect of the alteration of the qualification of freeholders?—I am convinced it would.

Have you read the statement of Mr. Burke on the subject of the elective franchise, where he describes the value of it to a poor man; do you recollect the arguments urged in 1793, that there was actually a distinction made in the letting of land between Roman Catholics and Protestants, that the Roman Catholic was never courted by a rich man who was his neighbour; but that the Protestant received civility from him in return for his vote, and that a great practical distinction arose in consequence of the disability under which the Roman Catholic laboured?—I recollect that argument was used, and I think if there only a few freeholders, that argument would hold good; but where an immense number of freeholders can be made by a single person, (I think the Earl of Glengal has made 2,000 freeholders in the county of Tipperary,) there is then an end of the prerogative which a freeholder is supposed to possess. The peasantry are driven in droves of freeholders to the hustings: they must obey the command of their landlord; it is only in cases of peculiar emergency, and where their passions are powerfully excited, that a revolt against the power of the landlord can take place. In the county of Dublin there were two strong reasons why, at the last election, the tenant did not obey the landlord. The first was, the intense interest which was felt in Catholic emancipation, and upon no other subject could so intense an interest be felt: and in the second place, the peasantry were put, by their utter misery, arising from the fall of prices, beyond the landlord's power; the landlord could not injure them, for they had nothing to lose; they had no interest in their lands, and the argument put to them by Mr. O'Connell was this, if you disobey your landlords what will be the result? they must seek for other tenants? where will they get them? at the Mendicity association in the city of Dublin. The county of Dublin election affords no illustration of the rest of Ireland; it stands on its peculiar grounds.

Do you think a powerful appeal might be made to the people on this ground, supposing the arrangement which you think on the whole a desirable arrangement, were to be carried into effect, here is an arrangement made by Parliament, the effect of which is to open Parliament and Office to the upper classes of the Roman Catholics, but the compromise required on your side is, that you, the great mass of the people, who never can sit in Parliament, and to whom Office is no object, are to be deprived of the only privilege that, practically, you are likely to enjoy?—I do not think any efficient appeal could be made among the lower order of the Roman Catholics (independently of some points in which I think their interests are deeply concerned); a feeling of wounded pride is excited by the state of the law; they think that they belong to a degraded *caste*; this sentiment operates strongly upon them, and a mere imagination on their part will produce practical results, just as pernicious as if the grievance were admitted to be as substantial as I am disposed to think it. The people conceive that they are degraded by the law; that Protestants are placed above their head, and that the Protestant in authority will have a leaning towards the members of his own class. This feeling produces deep concern. Let

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me add, that this feeling is justified and provoked by the perpetual occurrence of irritating circumstances. The lower order of Protestants assert their superiority to the poorer Catholics, in every incident where they are brought into comparison. Allow me to give an example: Sanders's newspaper in the city of Dublin contains most of the advertisements of servants; every servant who is a Protestant makes mention of his religion in his advertisement for a place; he thereby intimates that he belongs to a better class in society; that he is probably a more decent and respectable man; assuredly, this superiority, assumed by the lower classes of Protestants in society, must be extremely galling to the Roman Catholics; it meets them at every step. To return to the question put to me, I conceive that the Roman Catholic freeholders would be reconciled, by the ascent they would make in the political scale, to the deprivation of what is in reality no substantial enjoyment. They would purchase equality with the Protestant servant and mechanic, at the expense of a useless vote.

If they argue so sensitively on points of this nature, cannot they argue equally sensitively on this point; or may not a person make use of that argument to dissatisfy their minds with this arrangement, by which they are the only losers?—I do not think that any person who engaged in such an enterprise would succeed; when the qualification of a freeholder is raised, there is an incentive to honourable exertion given to the peasant: you do not tell him that he shall never vote, but you tell him, that in order to exercise this privilege he must acquire an interest of five or ten pounds a year; he has always hope before him. The Roman Catholic peasant would not consider himself as deprived of any valuable possession; most of the peasantry would expect to be able by industry to raise themselves at last to the qualification; a freehold would become an object of ambition, and would be a real and honourable privilege.

Will not the Catholics, in case emancipation is carried, consider that measure as merely conferring advantages upon the upper orders?—Certainly not.

Will it be to them and by them considered as a measure conferring advantages upon themselves?—They think it will confer great advantages upon themselves, and it will, in my opinion, confer those advantages by producing a reconciliation between the higher and lower orders, by banishing the suspicion of injustice, and generating an amicable sentiment towards the government, which will conduce to the gradual diffusion of peaceable points, by teaching the people to look up to the law as their certain protection, instead of seeking redress by acts of outrage, and by effacing that line of religious demarcation which has rooted a disposition to insult in the privileged and fevered class, and a feeling of deep resentment in the lower orders of the community. The Catholics are constantly made the objects of the most galling contumely. I shall mention an example afforded by a person in the employment of government; a gentleman at the head of the police in the county of Wexford, not long ago told a number of Roman Catholics who happened to be assembled together, that he would direct his police men to shoot the papists like rats. This insult excited the strongest feeling of resentment among them; the result was, that an investigation was directed by the lord lieutenant into the matter; the Roman Catholic Association sent down counsel; it was ascertained that those words had been spoken, and the gentleman who had spoken them was removed from that place and sent to another. It is quite obvious that such words would never have been used, if the ignominious distinction between Catholic and Protestant were removed. If a Protestant gentleman employed language so insulting, what may not be expected from the lower orders of Protestants. The word "Papist" is constantly in their mouths. The degradation with which it is supposed to be attended, excites feelings of the deepest animosity among the people. There would be an end to those animosities at once if the Catholic question were settled, because there would be an end to that injurious ascendancy, which is personal as well as political.

Do they conceive that granting emancipation would, from this situation of degradation, raise them to a footing of proper equality with their fellow subjects?—I am certain of it.

Do they talk much about the question, or take much interest in it?—It is, I understand from those who know them best, the subject which chiefly occupies their attention.

Do you mean among the lower orders?—Yes, among the lower orders.

Why are they to be considered as disqualified from exercising the elective franchise, if they are in the constant habit of talking on elective matters?—They all know the power of their landlords. The landlord requires a very high rent, which generally

generally speaking the tenant is not able to pay, and if the tenant disobeys the landlord at the election, he will not of course take into account the inability of the tenant to discharge his rent, but will immediately distrain him. The peasantry therefore have no discretion on the subject.

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Deducting that influence from the landlord, you think that from their general intelligence they are capable of making a proper distinction between the individuals who are candidates for the county, and thus exercising their elective franchise?—They may be qualified to form a judgment upon the Catholic question, which is a subject that touches them nearly; they have perpetual opportunities of observing and feeling the practical evils that result from the penal code; and they are therefore qualified to judge upon the fitness of an individual to sit in Parliament, so far as that question is concerned. It is upon that question only that they now exercise any opinion.

What do you think would be the effect of a law, which raised the qualification to a twenty-pound freehold, would it be to throw more power into the hands of the Protestant voter than he at present possesses?—I am not very well qualified to give an opinion upon the subject; I have heard among Roman Catholics themselves, a great dissent of opinion with respect to it. I believe, that in some counties it would operate in one way, and in other counties in a different way; but I am sure of this, that freeholders, whose qualification was raised, would be quite free from religious prejudice, and would be disposed to consult their own individual interests in giving their votes, without any sort of reference to the particular form of Christianity professed by any candidate.

You think there would not be any partiality, on the part of a Roman Catholic voter, in favour of a Roman Catholic candidate?—I think that after a year, or some such short period, after the question had been carried, no such partiality would be manifested. I know that at first there might be some ebullition of popular sentiment; even now, a Protestant, entertaining opinions favourable to the Roman Catholic claims, is rather preferred to a Roman Catholic by the people, than regarded with any evil eye. I am quite convinced that elections would, in Ireland, be decided by higher personal and political qualifications, and by the ascendancy of wealth and rank. As an illustration, I beg to mention that the plebeians of ancient Rome, who were excluded for a considerable time from offices of honour and emolument, which excited deep animosities in the commonwealth, elected a patrician to the prætorship, immediately after the power of electing a plebeian had been obtained. Livy says, that the circumstance deserves note. There would be an end to all religious faction in Ireland, when the law had ceased to provoke it; and former feuds would be speedily forgotten.

FIFTH DAY.

Veneris, 4^o die Martii 1825.

LORD BINNING

IN THE CHAIR.

Daniel O'Connell Esquire again called in, and made the following Statement :

IN consequence of a question proposed to me, by an honourable member of the Committee, respecting the Orange lecture, I thought it right to look out for the entry of that which he alluded to, and I have brought it here; it is what I got as the Orange lecture, taken from the 68th Psalm, and it entirely confirms his statement of it; with the permission of the Committee I will read it—"From whence came you?" "From the deep."—"What deep?" "The deep of the sea."—"Whither go you?" "To the hill."—"What hill?" "Even an high hill as the hill of Bashan."—"Who shall conduct you thither?" "The Lord, of whom cometh salvation."—"Have you a pass-word?" "I have."—"Will you give it to me?" "I did not obtain it so myself, but I will divide it with a true brother, knowing him to be such." Then the querist, "Begin. Answer, No, do you begin.—Querist, Re. Answer, Mem.—Querist, Ber. Re-mem-ber." This is the entrance pass-word, and is accompanied with three knocks; the grand pass-word is, "Sinai." The sign is made by putting the fourth

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fourth finger of the right hand to the mouth; the answer is, by the other person placing his right hand upon his left breast. I beg leave to add to that, that of course my own private belief goes entirely with the assertion of the honourable member, being quite convinced that he would say nothing of his own knowledge but what was perfectly true; and if I ever shall have an opportunity of speaking upon this subject again in public, I will take care to accompany any thing I say, with the confidence I have in the honourable gentleman's assertion, and having said that, I would wish to point his attention to the psalm itself, because I give up my informer entirely; and may I be allowed to say, that the gentleman to whom I gave my honour not to mention his name, though he knew me well, as I understood, was a student of Trinity College, but I could not tell his name positively, I only conjecture his name; I consider him therefore, and the person who informed me for money, as certainly persons on whom no faith can be distinctly relied, that I think right to say now. The psalm itself is the 68th, it begins, "Let God arise, and let his enemies be scattered; let them also that hate him flee before him." The hill of Bashan is mentioned in the words of the 15th verse; "The hill of God is as the hill of Bashan, an high hill as the hill of Bashan;" those are the very words, and the 17th has the pass-word, "Sinai." "The chariots of God are twenty thousand, even thousands of angels, the Lord is among them as in the holy place of Sinai." Then, "Who shall conduct you thither? The Lord, of whom cometh salvation;" that is taken from the twentieth verse. "He is our God, even the God of whom cometh salvation." Then the place they come from—"From the deep—what deep? The deep of the sea," is taken from the twenty-second verse. "The Lord hath said I will bring my people again as I did from Bashan, mine own will I bring again as I did some time from the deep of the sea." Then it is in the next verse, comes the object of bringing them from the deep of the sea. "That thy foot may be dipped in the blood of thine enemies, and that the tongue of thy dogs may be red through the same;" so that as they come from the deep of the sea conducted by the Lord God, how easily a vulgar furious person of the lower class might add this verse to that very one from which the first part is taken, as in fact it makes part of the same sentence. I wish to give that explanation as the reason that my credit was attached even to a person that I would not easily believe; however I repeat again, that what the honourable member said, has considerably affected any belief I had upon that subject; in as far as gentlemen of his class are concerned, I am convinced; but there are low and vulgar persons also Orangemen.

Will you be good enough to inform the Committee, from what law offices Catholics are excluded in Ireland?—The Catholics are excluded from all the superior offices of the law; from the office of Chancellor, from the office of the Master of the Rolls, the Judges of the Court of Exchequer, Common Pleas, King's Bench, Admiralty Courts, Ecclesiastical Courts; of course, from all those stations: they are also excluded from the office of Attorney or Solicitor General, or Serjeant, Counsel to the Revenue Boards, which in Ireland are places of very great emolument, and also from the office of King's Counsel, the salary of which, I believe, is about thirty-six shillings a year, the advantages of which are very great even in this country, but are infinitely greater in Ireland, where we practise in all the courts, and where precedence is infinitely more valuable to each individual: Catholics cannot be Masters in Chancery.

Can a Catholic be a proctor in the Ecclesiastical Court?—In practice they are not allowed to be so; I do not recollect whether the law precludes them, but in practice they are not; I believe the law excludes them. Catholics are not allowed to be advocates, although in point of law they may be such; Mr. Lynch, a gentleman of the bar, a Catholic, applied for a *mandamus*, he being qualified in every other respect, in such a way, that if he were a Protestant the right would have been admitted at once: he was a doctor of laws, and he applied for a *mandamus* to compel Doctor Duigenan to admit him to practise as an advocate; but it was held by the Court of King's Bench, that it was discretionary with the Judge of the Ecclesiastical Court to admit an advocate, and no Catholic has been admitted as an advocate: the practice of the Ecclesiastical Court is, that if there be one advocate in a cause, other counsel may assist him, as they call it, who are not advocates; but the consequence of that is, that the conducting of ecclesiastical causes is taken away entirely from the Catholic barristers; and every gentleman who knows the profession, knows that no young man rises into considerable business with us that did not begin by being a conducting counsel in particular causes, doing the business out of court, preparing the pleadings, advising each stage of the proceeding

ceeding, having the agent or proctor communicating with him confidently in the cause.

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Catholics cannot be sheriffs or sub-sheriffs?—Catholics cannot be sheriffs; it was the received opinion that they could not be sub-sheriffs; my opinion is otherwise, and accordingly for the last two years there have been Catholic sub-sheriffs; they have acted upon my opinion. There is an Act of Parliament distinctly making void certain acts of sub-sheriffs; but from the entire construction of that Act I think they are not disqualified, and I published an opinion upon it, showing my view of their capacity to be sub-sheriffs; and for the last two years they have been so sometimes.

Are Catholics excluded from all corporation offices?—From all corporation offices regulated by the Act of Settlement, the new rules and regulations to the statute of the 15th and 16th of Charles the Second, to the best of my recollection; the Act of Settlement authorized the Lord Lieutenant and Privy Council to make rules and regulations by a proclamation, which should have the force of law, in the arrangement of corporations in future, to avoid danger from the republican settlers who had got possession of the corporations; I mean the Cromwellian settlers; and by those rules and regulations no corporate office can be held without taking the oath of supremacy, which Catholics do not take. In the statute of 1793, there was an exception; that statute does not extend to any thing contrary to the new rules and regulations. I believe the framers of that Act were not apprized of the extent of exclusion that was created by that exception. The new rules and regulations apply to all the principal corporations in Ireland; to every one worth speaking of; and the result of them is, that the Catholics cannot be mayors, sheriffs, aldermen, common councilmen, sub-sheriffs in corporations, town clerks, master or warden of any guild, or fill any station in a corporation, save that of simple freemen, which is not a station, but is the possession of the franchise.

Can Catholics hold the office of governor of a county?—No.

Or that of *custos rotulorum*?—No.

Then after the description you have given of the offices from which they are excluded, the following are the whole of the remainder that are excepted in the Act of 1793, namely, the office of Lord Lieutenant, Lord Chancellor, Lord High Treasurer, Secretary of State, Chief Secretary to the Lord Lieutenant, Keeper of the Privy Seal, Vice Treasurer, Privy Councillor, Teller or Cashier of the Exchequer, Auditor General and Postmaster General?—Yes; but in that list there are most important situations omitted, an omission that is the cause, perhaps, of all we consider grievous; we are excluded from both Houses of Parliament.

They are not excluded from any honorary distinction, such as Knights of St. Patrick?—No; not from titles of honour, they are not excluded; the first titles in the nation are the right of and are enjoyed by Catholics.

And they are excluded from no rank in the army?—There is a clause in the annual Mutiny Act, that dispenses with the putting of the oath of supremacy; that has been called amongst us Mr. Croker's clause, a clause which allowed the superior officers to admit an officer to take rank in the British army, without taking the oath of supremacy, and took away the penalty which the superior would otherwise have incurred, if he had omitted it; the practical effect of that I take to be, that at this moment the army is as open practically to the Catholic as to the Protestant, throughout all its ranks.

Does that extend to the navy?—My opinion is, that it does.

Can Catholics be commanders in chief?—I speak now from a recollection of the clause, but the clause seemed to me to be universal.

Are not Catholics obliged to take what is called the Qualification Oaths of 1773, in order to be able legally to buy, or sell, or bequeath lands?—The penal code is, in my judgment, in full force against any Catholic who has not taken the oaths prescribed by the repealing statutes; the mode in which the repeal has been hitherto made, is not by repealing the statutes themselves, but by leaving them in full force, except as not applicable to persons who shall have taken the oaths; the consequence is, the Catholic can enjoy no right unless he has taken the oaths; and the grievance of a very serious nature, that, if there be not something further done, will affect Protestants deriving titles through Catholics, as well as Catholics, is just this, that if the evidence of having taken the oath be lost, the property is as discoverable at this moment, according to the Irish phrase discoverable, which I before explained, as it was in the reign of George the First.

Then, in point of fact, all the Acts of Anne and the subsequent Acts, passed by the Irish Parliament, against Catholics, are still the law of the land?—I would not

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venture to commit myself so far as that, but if any have been repealed they are extremely few; some particular clauses as to schoolmasters, I think, have been directly repealed, but all the laws affecting landed property are in full force, and so late as the last term we had a question argued in the court of King's Bench, where a Protestant landlord brought an action of covenant against a Catholic tenant; the defence set up by the Catholic tenant was, that he was not bound by his own covenant, inasmuch as he had never taken the Catholic oaths.

What was the result of that action?—The court did not pronounce judgment upon it; I was concerned for the Protestant landlord, I argued it for him against the Catholic; it was argued by Mr. Parrin for the Catholic fraudulent tenant; the court took time to consider for two or three terms, and in the mean time the parties compromised, and the question has not been decided; I had arranged that the compromise should not be known to the court, but it broke out before the court gave its judgment.

Can you illustrate the meaning of the word discoverable?—What is called discoverable is this: by the statutes of Anne, the property then in the hands of Catholics was converted from its regular hereditary nature, into gavelkind, that is, a qualified gavelkind, not following the custom of Kent exactly, but a special gavelkind, giving all the sons an equal title to the estate as long as they continued Catholics; and it took away from the father the power of making any limitation, or affecting the property with any charge whatsoever, save *bond fide* debts to Protestants: that was the effect of the law as to property then in the hands of the Catholics; but the law went further, and prevented Catholics in future from acquiring any property, or taking by a purchase, or taking in any way, except by that gavelkind descent, or taking any tenure beyond an occupation lease for thirty-one years; so that if a Catholic took by marriage settlement, by will, or by purchase, in its ordinary meaning, that is, buying or by lease other than a thirty-one years' lease, or if he had more profit upon a thirty-one years' lease than a third penny, as, for instance, if he paid twenty pounds, and the land became worth thirty-one pounds, in all those cases any Protestant who chose to file a bill in a court of equity, merely stating the title thus acquired by a Catholic, in general terms, and stating that the individual possessed of the interest was a Catholic, and that he himself was a Protestant, and that he, upon these premises, prayed, and was entitled to, the relief of having the interest or estate, or whatever it was, taken away from the Catholic, and vested by the decree of the court in him, the Protestant; and the Act took away entirely the delays from the Court of Chancery and the Court of Exchequer, and compelled the immediate answer upon oath upon the first process, and took away any demurrer to such bill; it did not allow the Catholic to demur, so that all technical forms were waved, and he was obliged to answer upon oath. Thus the Catholic, who was put out of all civil offices from his respect to an oath, was put upon his oath at once as to his property, and whether he was a Catholic or not.

Do the Committee rightly understand it to be your opinion, that this is the law of Ireland still, in all cases in which the Catholic has not taken the Catholic oaths?—I have no hesitation in saying, that it certainly is. The Bill was called a Bill of Discovery; any land that could be the object of such a bill, was called in Ireland Discoverable land.

Then any land held by a Protestant, if derived from a Catholic, is liable to a Bill of Discovery?—Before 1778, any land held by a Protestant that was tainted in its progress to him, by having been for one moment in the hands of a Catholic, either as a trustee or otherwise, was discoverable in the hands of that Protestant; and instances were very frequent in which Protestants lost their estates and properties by Bills of Discovery; one instance is upon record, in which a gentleman entered into Trinity College, Dublin, as a sizer, became a clergyman of the Established Church, lived for fifty years a clergyman of the Established Church, acquired an estate, and left it to his son, a Protestant; and his son lost that estate by a Bill of Discovery, because the father had entered Trinity College after fourteen, and never regularly conformed; the father was born of Catholic parents, he was probably twenty when he went to Trinity College, Dublin, and entered as a sizer there.

Having become a Protestant in the meantime?—He could not have entered without being a Protestant.

He was deemed to have been in law a Catholic, because he had not conformed before fourteen years of age?—He was, according to the legal phrase, plainly a Papist in point of law, because the son of every Papist was by law taken *prima facie*

facie to be a Papist, unless under the age of fourteen he went publicly to church; he was a Papist for his life, unless he conformed; and it is right I should add, from my professional experience, there was scarcely one instance of regular conformity in Ireland; conformity that would bear the test, except in Dublin.

What is regular conformity, according to law?—Regular conformity was taking certain oaths; the oaths of supremacy, receiving the sacrament in church during divine service, filing a certificate in the superior courts of having taken the sacrament during divine service, and of having taken the oaths at sessions. The statutes were equivocal, if the certificates were filed in the superior courts; there ought to be two of them; that was sufficient. Now the first defect that appears upon the conformities is this, that in general it was certified that the person received the sacrament *after* divine service, and not as the statute required it, *during* divine service; that is a very common defect in the conformity. The next was, that it was required to file a certificate in the court of the sessions, of taking the sacrament; and that the certificate of having taken the oaths was to be filed in the court above. The consequence was, that in the country the mode in which they proceeded was this; they filed the certificate of having taken the sacrament accordingly in the court of sessions, and they took a certificate from the court of sessions, of having filed that certificate there, and of having taken the oaths, and they filed that certificate in the courts above. Now that was not considered sufficient; the certificate in the superior court was the only thing that, according to law, could be looked at, and that was only a certificate that somebody else certified, that the sacrament had been received. There were two certificates necessary; one was a certificate of having taken the sacrament, the other was a certificate of having taken the oaths. If both those were filed in the superior courts, it was sufficient; and therefore, when they conformed in Dublin, they put the clergyman's certificate in the court of King's Bench; and they took a certificate from the court of King's Bench, that that certificate was there, that that person had taken the oaths; and they filed that certificate in Chancery, where it should be filed.

That was good conformity?—That was good so far, because both were in the superior courts; the Chancery certificate, and the taking the oaths in the court of King's Bench, was in a superior court; the certificate of having taken the sacrament, was also in a superior court; but I never saw a good certificate from the court of sessions below; they always left one certificate, that is of having taken the sacrament, in the sessions court below; they only took to the superior court a certificate, that that certificate had been filed at sessions, and that the oaths had been taken; and that was held under the words of the statute not to be sufficient.

How is the case with regard to landed property, purchased by Protestants from Catholics, since the year 1778?—In practice it has not been looked to much; very few Catholics have sold landed property; they have been rather acquiring than selling; but in practice no barrister could allow a Protestant client to purchase a property from a Catholic, without taking special care to see that a certificate of his having taken the oaths, was enrolled in the court of Chancery.

It would not be a good title without?—I should not consider it so; I would call it a bad title.

Is the oath required to be taken, the oath of the Act of 1773?—There are the Acts of 1773, 1778, and 1793, that include oaths.

Do they all relate to purchases of landed property?—All those that are required are necessary, in order to give title to land.

Does any practical difficulty arise in taking those oaths according to law?—Some little delay, but no substantial difficulty in taking them; the great defect at present is, that they may be taken at sessions, and the roll kept there; there is no obligation to transmit that roll to Chancery; and as the records of the inferior courts in Ireland have been hitherto very badly kept, there is a danger of the loss of the evidence of having taken them.

Can you mention to the Committee, any other disabilities, to which Catholics are liable, under the existing laws?—I have not, upon my recollection at this moment, any other; to the best of my recollection I have gone through the actual disabilities.

An impression has gone abroad, particularly in Ireland, that the priests of parishes throughout Ireland, have got records of the forfeited estates in Ireland; will you state, whether that has come within your knowledge?—I am thoroughly convinced, that there is not one single particle of truth in it; that it is as unfounded as any thing can possibly be; and having been examined, as to the forfeited properties the

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last day, and having been asked, whether I had any myself, I would wish to add this, both my brothers are in independent circumstances, wealthy for country gentlemen; they are both younger than me; all the property of each of them is forfeited property; and I just closed a purchase for my youngest brother, of an estate near the town of Threlin, a fee simple estate, producing at present about 700*l.* a year, which was forfeited at the usurpation, by a Colonel Roger M'Eligot, and in that instance we considered it a better title for having been forfeited; and the way that I knew it was the forfeiture of a Colonel Roger M'Eligot, was, by it so appearing upon the patent, and the official documents making part of the title.

Are not Catholics prohibited, as Catholics, from having arms in their possession?—There is a higher qualification required for a Catholic to carry arms than a Protestant; he must have 100*l.* a year in freehold estate, or a thousand pounds personal fortune.

Every Protestant may carry arms?—Every Protestant in Ireland may carry arms.

He must also take the oaths?—Certainly; the entire penal code is enforced against any Catholic who has not taken the oaths; there are recent Acts, requiring the registry of arms of Protestants as well as Catholics, but those are expressly temporary statutes; and I do not speak of those temporary statutes applying to disturbed times; but with the exception of those temporary statutes, the right of every Protestant to carry arms in Ireland is, in my opinion, unqualified.

Do Catholics generally take those oaths; is it a matter of course for them to take them?—The Catholics are always perfectly ready to take the oaths; I never knew a Catholic refuse to take them.

Are they all aware of the necessity of taking them?—They are not all aware, by any means, of the necessity of taking them; when it was necessary to take them before an election, so as to have a certificate of their having taken them at the election, all Catholics had taken them; but when the law was relaxed, so as to enable them to be taken during the election, it became useless for the candidates to object that the certificate of a Catholic was not ready to be produced, for the objection could only postpone the vote a few minutes; the consequence is, that the candidates no longer object, they give up an objection that would be futile; and as, therefore, practically, the certificate is not called for, the Catholics are beginning very much to neglect taking the oaths; and in the next generation, if some alteration is not made in the law, great confusion as to property will ensue.

Are Catholics all obliged to take those oaths, to qualify for voting at elections?—To this extent, that in point of law they have not a right to vote unless they have taken the oaths; at present they need not have a certificate before hand, for they may take them during the election if the objection be raised. I was two or three times assessor to the sheriffs, and at that period there was not any difference on the subject of these oaths.

In the event of a petition against the return, would the votes of all those persons who could not produce a certificate, be disallowed?—In my opinion they ought to be; however the question would arise thus, if the Catholic takes the oath at any time, it has, under the statute of 1793, a retrospective effect, and a question would arise upon that objection to him; if he had taken it before his vote came before the committee, it would certainly be contended that that was sufficient; besides, it could not well come before the committee, unless an objection were made at the election, and if it were made at the election it would have been obviated at once.

Has not, in practice, the entry of the clerk of the peace been sufficient at the time of election?—No; the clerk of the peace was directed by the statutes to keep a roll, that roll would be sufficient, for it was from that the certificate was taken.

Are you aware that by an English Act of the 31st of George III. Catholic places of worship and Catholic clergymen are protected from disturbances, during divine service?—Yes.

Does the same privilege and protection exist in Ireland?—No, it does not; there is no statute protecting Catholic places of worship or divine service in them, except the Whiteboy Acts, when a county is disturbed, and no county, unless disturbed, is within the purview of the Whiteboy Acts; they are called into operation, and the felonies created by those statutes are constituted felonies by the fact of the county being disturbed; whenever a place is so disturbed, then it is either a misdemeanor or a felony to disturb divine service in a Catholic place of worship, or to injure the building itself; they get, therefore, protection by statute only by the Whiteboy Acts, he

the Catholic clergymen having been frequently the object of those Whiteboy disturbances, as well as the owners of tithes. *Daniel O'Connell, Esq.*

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Is not the state of the law, with regard to intermarriages of Catholics and Protestants, very much complained of?—It is much complained of, and I have known it in practice attended with great mischief; it was not at all generally known, and is not even now universally known, that the marriage of a Protestant and a Catholic by a Catholic priest, is void; recent circumstances, and the great circulation of matter through the press, have made it known; but I have known one instance of a Protestant of ancient estate who married a Catholic lady; the priest married them, they were both quite ignorant that that was a void marriage; they had three or four children; he had not the estate at the time of the marriage, the estate descended upon him afterwards, and when he came to consult counsel upon some of the arrangements of the estate, he discovered that his three eldest children were bastards, and could not inherit, and then he went, after six or seven years cohabitation, to church and married the lady over again; she continued a Catholic, and does still.

What penalties are Catholic priests liable to, for marrying a Protestant and a Catholic?—There are two penalties by the law; the old statute makes it a capital felony, and the statute of 1793 gives a penalty of 500*l.*, so that if both those statutes co-exist, there is first a capital felony, for which he may be hanged, and then there is a pecuniary penalty of 500*l.*; but my own humble judgment is, that the necessary effect of the latter statute is to repeal the former; it repeals it by necessary implication.

Have any instances of late occurred, in which priests have been prosecuted for marrying Catholics and Protestants?—Several; a case occurred in the county of Galway, and there is a priest now from the county of Derry, a fugitive for having married a Catholic and a Presbyterian; that is now depending.

The consequences of a marriage of that kind being celebrated, are to illegitimize the issue?—Certainly.

And to create a confusion with respect to property?—Yes.

You feel it a very desirable thing, therefore, that the thing should be prevented?—Certainly, that some arrangement should take place upon that subject.

Do not you think it would be a very desirable thing, if the Roman Catholic bishops were, in their several dioceses, to issue a cautionary letter to their several priests, to request them to attend to the provisions of the law upon the subject?—I believe that that letter is unnecessary, because, in every case where a Catholic clergyman can abstain conscientiously from doing it, he is directed so to abstain; but there are cases in which he would feel it his duty, from motives of conscience, to marry persons particularly circumstanced, as where family peace and concord would be interrupted, and cases where one can easily conceive it may be necessary for the prevention of immorality, and preventing the continuance of immorality.

Could not that be equally effected by the ceremony first being performed by a Protestant clergyman?—It could; but there are cases where that cannot be arrived at so easily.

You mean, there are some cases of extreme urgency, that would not wait for the performance of the ceremony by a Protestant clergyman?—Yes, or there would be reasons for preventing it. Again, the Catholic clergyman is equally guilty in point of law, whether he knows that the party is a Protestant or not. There was a case tried at Galway, where the parties represented to the priest, that they were Catholics, and he incurred a capital felony, if the capital felony still exists, by marrying persons who he was convinced were Catholics.

Was not there a case of that sort that occurred in the county of Roscommon?—There was.

Was not that case one in which the party who was married represented himself to be a Catholic, and afterwards turning out to be a Protestant, he went and instituted an action against the priest, and recovered penalties?—Yes, 500*l.*

Do you recollect the name?—I do not recollect the name of the case.

It occurred last summer?—Within the last eighteen months. The facilities of marriage in Ireland are great; and my own opinion is, that they ought to be so; that immorality is produced by their not being so, and no other result; and I do not myself think there would be the least inconvenience in making the celebration of marriage more public, and allowing the clergymen of the various classes of Dissenters and Catholics to marry, where either of the parties was of the communion of the person celebrating the marriage.

Are there not a class of priests that go by the name of Father Tack'ems?—There are individuals in that class, that have been silenced by their bishops, deprived of

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their livings for misconduct, who have supported themselves afterwards by celebrating such marriages; but, as I remember, there is a statute making that species of celebration a transportable felony in the priest, although it does not render the marriage invalid, making it penal in him to follow that trade. No Catholic clergyman, who is not under censure of his bishop, has ever acquired that appellation, or has, I believe, deserved it.

What is the state of the law, with regard to Catholics attending vestries?—At present Catholics cannot attend vestries whenever any question arises respecting the building or repairing of churches; they are excluded by a statute passed in the reign of either George the First or George the Second, from such vestries; and sums to an extremely large amount are levied upon the property of Catholics, for it is the occupier that pays the parish cess, by very small vestries of Protestants, in consequence of that statute.

If the Catholic conforms to the Protestant religion, and then relapses to the Catholic, in what situation is he under, by the Laws of Ireland?—I should speak with great diffidence upon that subject, because, whatever opinion I formed upon it was not, I believe, consistent with an extremely high authority in the law; but my opinion is, that if, after a relapse to popery, the person takes the Catholic oaths at the sessions, there is no question made as to the relapse, and he is precisely in the same situation as if he had been a Protestant. There is, however, a difference of opinion among the highest men in the profession, upon the subject. Mr. Laurin is of the opinion I am, but I understand there were doubts entertained upon the subject at one time, by most respectable authority.

Has any case been decided to settle the point?—The point has not been settled; but I ventured to advise a gentleman of considerable fortune so to qualify; and one gentleman in particular, who left a property to the amount of 4,000*l.* a year, did so; and although he disinherited his eldest son, his will has not been questioned.

Was the case in which that doubt arose, a case respecting the capacity of the person to make a will?—It was.

Does not that rest somewhat on a different foundation. You are aware that some persons are of opinion, that the disabilities under the old statutes attach not upon the making of a will, but on the taking under it; and therefore, that although a person were in the situation of being considered as having relapsed to Popery, still that would not disable him from making a will?—The doubt, I understood, arose in the mind of the person to whom I alluded, particularly upon the statute of 1782. The persons who took in the case, who were the youngest sons, were Protestants; the eldest son was a Catholic; although the father returned from the Protestant religion to the Catholic, he disinherited his Catholic son.

What is the law respecting the conversion of a Catholic priest to Protestantism?—The law has been totally altered upon that subject lately; till very recently, whenever a Catholic Priest was converted to Protestantism, he had a provision upon the county for 40*l.* a year, that is taken away; he also was a recognized minister of the Established Church by the very act of conversion; his orders are still recognized, but there has been a recent statute, preventing him from officiating without either a licence or some immediate authority from the ordinary of the diocese.

Is that power in grand juries rescinded?—To my recollection it is.

Are you aware what statute it is?—It is within the last three or four years.

He is disabled, as all persons in the Protestant Church are disabled, from officiating in any particular diocese without the authority of the ordinary; but are you aware of any particular statute which disabled him in any other way?—I can venture to say, there was a particular statute, and I shall be able to-morrow, with the index, to point it out.

If Roman Catholics were admitted to the right of voting in vestries, do not you think it would be very difficult to pass any question for the building or repairing of churches in Ireland?—I do not think any fair case would be resisted; of course, upon this subject, it is a speculation, but, as far as I have seen, my own conviction is, that no fair case would be resisted; indeed, I am deeply convinced that a fair case would not.

In discussions respecting Roman Catholic hardships, is it not stated as the greatest hardship of all, that the Roman Catholic is called upon to contribute to Protestant churches?—The greatest hardship is, that he is called upon to build and repair churches where that building is totally unnecessary, as it is in a great number of instances in the south; in the county of Kerry, for example, I know parishes where

where churches have been built for a single individual or two. I know many instances, and that there is one going on at this moment, in the parish of Taghadoo, in the county of Kildare; there is but a single Protestant in the parish, a Mr. Grierson; they are building a church there, that I understand will cost about 1,000 *l.* the Catholics offered to build a dwelling-house for Mr. Grierson.

Is it not the fact that Protestants have disappeared from many parishes, in consequence of their not having a place of worship to go to of their own?—I am not at all aware that that is the cause; that the Protestants have disappeared from very many parishes is certainly the fact; they have melted into the mass of the Catholic population by marriages; and in some respect perhaps by the great readiness to attend the sick in contagious diseases, of the Catholic clergymen, who have not families, and have no apprehension of bringing to their own families contagious disease; a Protestant parson may risk his own person very well, but if he catches a contagious disease, his wife and children will be likely to get it from him, and that must operate upon the minds of the very best men; it is not so with the Catholic clergyman, he has nothing to risk but himself, and he goes amongst the persons in contagious diseases, particularly the lower orders.

Have you not understood that wherever churches have been built a congregation has appeared?—A small congregation I apprehend always appeared wherever there was a church built, and for this distinct reason, that there were several offices always chargeable upon the parish, annexed to the church; as for example, parish clerk, sexton, bell-ringers, and sweeper of the pews, frequently a sextoness; those offices make a small congregation; but I have seen that when the persons who filled those offices got seriously ill and were near dying, they almost universally, indeed I believe universally, sent for the priest and died Catholics; I have known several instances of that.

Do not you conceive the necessary consequence of not having a place of worship for one particular class of christians, is to drive them to avail themselves of another form of Christian faith?—Certainly; wherever there are Protestants my opinion is there certainly ought to be a place of worship for them as convenient as possible.

Are there any legal restraints upon Catholics with respect to acting as guardians?—They cannot be guardians, as I recollect, of Protestant children, they must take the oaths before they can be guardians of their own children, or any other children; but taking the oaths is never considered a hardship, except from the nature of the oaths themselves; for example, we are obliged to swear that we do not believe it lawful to murder any person for or under pretence of his being a heretic; now I never took that oath yet that I did not feel excessively degraded at being obliged to swear such a thing, as that it is so cruel to impute to any body so horrible a thing as to believe that doctrine.

Those oaths are long oaths, are they not?—The oaths are very long.

Are there any other obnoxious abjurations contained in them?—I do not recollect at present any thing else that is obnoxious; there is a great deal of matter besides that, which is perfectly unnecessary, but from the state of calumny upon the Catholics in general, we are not sorry to disclaim those tenets in the most unequivocal and distinct way.

Are not they considered by Catholics as casting calumny upon them?—They are considered as perpetuating the recollection of calumnies, for the necessity of refuting a calumny always presupposes its existence; and when you ask a person to refute it, you give it a kind of credit in the first instance, so that it would be supposed, if it was not refuted, it would be believed.

Will you be so good as to state to the Committee, what the effect of the law has been with respect to yourself, as to your own practice in the courts?—I feel it an excessive grievance that I cannot be King's counsel; from my general political principles, my own opinions being strong upon the subject of Parliamentary Reform, I should not be likely to get any office other than that of King's counsel, which is not considered a marked political favour; but not being King's counsel is certainly a very great pecuniary loss to me, and it leaves me still, in the twenty-seventh year of my professional exertions, obliged to work in all the minor branches of my profession at the same time that I am working in the superior ones; I believe in the presence of the Attorney General for Ireland, I may say that I do as much business as any man at the Irish bar; my professional receipts last year were upwards of 6,000 *l.* without of course any portion of it coming from government, or any source but the ordinary practice of my profession. It would be an amazing convenience

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convenience to me, and I think it would increase my emoluments, by increasing the fees, and would diminish my trouble very considerably to be King's counsel.

Have you not known that several gentlemen differing politically from the government, are King's counsel?—I have known great fairness in that respect, and I may be mistaken; but I should certainly expect from the noble lord at the head of the law in Ireland, that my political opinions would not prevent me from being made King's counsel by him or any portion of the Irish government, if I was competent to be so.

Does not it also operate as a great inconvenience to other gentlemen, that when persons are desirous of having the advantage of your leading for them, they are obliged to decline the services of other gentlemen?—I will say distinctly, that I know that a number of Protestant gentlemen are suffering very considerably in their profession, by my not being King's counsel. I know instances every term, in which the agents come to me, and although my wish, in point of delicacy, is totally to decline the nomination of other counsel, when I suggest a name, sometimes they say "He is your senior, I would be very happy to have him as counsel, but neither I nor my client will put any man over your head." I know that several Protestant gentlemen suffer very considerably by my not being King's counsel.

Have any gentlemen who are junior to you been appointed King's counsel?—Very many; the greater part of the practising King's counsel are my juniors, and two of the judges; it is right to make a junior to me King's counsel of course, but I do not know of any junior who had as much business as myself who is put over my head; Mr. Blackburne is my junior, certainly high in the profession, but that could never create a jealousy in my mind, he is one of the best lawyers in the profession.

Do you know any instances of the interference of Protestant clergymen at the last Dublin election?—I know of one particular interference; the original autograph of the following letter was in my possession, written by Dean Langrishe, to a person of the name of Bartholomew Senior, during the late contested election for the county of Dublin; the original was in these words, "Senior, as you are a staunch Protestant and an honest man, I suppose you can have no difficulty in voting for Sir Compton Domville. Do not by any means fail in attending at the hustings, and be as early as possible. I believe your son has got a vote also; pray fetch him with you. J. H. Langrishe." That Senior I understand holds some office connected with the church.

With regard to the population of the county of Kerry; which barony of the county do you conceive to contain the greatest number of Protestants?—I should suppose Trughanamy, in which the town of Tralee is situated.

Is there not a kind of Protestant colony in the town of Tarbert?—I believe not; there were some Protestants brought in from the county of Limerick, by Mr. Leslie, for his yeomanry corps, and they constituted for some time an Orange lodge there, as it was said, but the far greater part of the population of Tarbert is Catholic, as in the other towns; that is, the great majority of them must be Catholic.

The corps of yeomanry which is at Tarbert, is considered to be a Protestant corps?—It is considered as an Orange corps; there are some Protestants in it, but besides those, the others mostly are Orangemen; there are some few Catholics, I understand.

How has the tranquillity of that part of Kerry been, as compared with other parts?—That has been the most disturbed part of the county; and the parts of the county where there are most Catholics, have been the most tranquil; the barony of Iveragh, one may say, is almost exclusively Catholic; within my recollection, on two occasions, when disturbances occurred there, upon the first of those occasions I had to come to the county, and in five days I put it down completely, and had two or three of the leaders in it transported. Upon the second occasion, my youngest brother, who is an extremely active magistrate in the county of Kerry, had more trouble, because the last disturbance was much more extensive, in putting it down; it took him three weeks, but he put it down completely, without the assistance of a single soldier.

Are you at all aware whether there has been any distinction proved to exist in courts of justice, between the Whiteboy oath taken in the neighbourhood of Tarbert, where that corps of yeomanry existed, and the Whiteboy oath taken in other parts of that county?—My conception is, that there was in the neighbourhood of Tarbert, something against Orangemen in the oath, of an exterminatory nature, which certainly was not taken in the other parts of the country.

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as appeared in the evidence; the re-action of one party always creates additional virulence in all those unfortunate disturbances.

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How did that appear?—I understood at the trials at the assizes at Tralee it so appeared.

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What was the state of the county of Kerry during the rebellion of 1798?—I recollect it well; it was perfectly tranquil every where but at Castleisland; there was not within thirty miles of the residence of my father or uncle a single soldier or a single yeoman, except my brother, who belonged to the Kenmore yeomanry cavalry, that was distant twenty-four miles from it.

Were there not at that time certain individuals in the county of Kerry, who were considered to partake of the revolutionary principles of those times?—There were.

Were those persons of the superior ranks of life?—They were.

What was their religious faith?—They were the sons of magistrates and grand jurors, some of them; and they were all Protestants.

Were there not at that time a great number of Protestant gentlemen considered as united Irishmen, though the fact was, they were not at all connected with the society?—Not immediately in 1798, but in 1799 they were; as the Orange system grew strong, it became the habit to consider every Protestant of liberal opinions as an united Irishman, and to brand him as such; and the newspapers did so.

Have you had any means of ascertaining the effect produced upon the temper and disposition of the people by the Insurrection Act?—I think the temper produced by the Insurrection Act is likely to be very unfavourable in the case of future disturbances, the opinion created by the facility of transporting persons leaving a very deep impression of injustice about it; and if there shall be disturbances hereafter, my own apprehension is, that they will be still more sanguinary in consequence of that.

Do you think it tends to augment and to continue any sort of indisposition existing in the minds of the people to the administration of the law?—I am sure it does; it tends to perpetuate the notion, that law and government in Ireland is a matter of mere brutal force; that it is the compression of power, and not the administration of right. It creates that idea very much; and when I say this, I am not at all saying that there was not a necessity, in particular districts, for taking very violent measures, for certainly atrocious crimes had been committed in particular districts.

Do you conceive that the same feeling is entertained by the people towards a decision of the court of insurrection sessions that is felt towards a decision of the ordinary courts of law at assizes, through a jury?—Most certainly not; there is not the acquiescence at all; to a certain extent, wherever there is a jury, there is an acquiescence in the decision, however against them; but the notion of the courts under the Insurrection Act is totally abhorrent from any idea of law. It is the sending away a man because they choose: the magistrates are not sworn to do justice in the particular case; a magistrate comes in, and takes a partizan share in the transaction; he comes on the table as a witness, and whether he mixes with the magistrates again, I cannot say; though I presume, from the character of part of the gentlemen who were appointed as King's counsel, that he is not allowed to vote after he has been a witness, and yet I cannot say that he is not.

In your experience on the Munster circuit, have you known any instance in which juries have been either seduced or intimidated from the discharge of their duty in administering the ordinary laws?—I have been counsel for more Whiteboys than perhaps any other individual ever was in Ireland, and I never knew one single instance of an acquittal that I could trace to any intimidation or seduction; I mean, even in my own mind.

Have you known any instances in which jurors have declined attending at the assizes, in consequence of intimidation, or any other indirect motive?—I have never known it; I think I heard, at one time, of something of the kind prevailing in the county of Limerick, some apprehension of that kind; I heard of it only once, and I never knew it; and in Munster I do not believe it occurred at all.

In the Munster circuit, with which you are acquainted, have you known any distinctions to exist in the formation of juries by reason of the religious faith of the persons summoned?—Yes, I have; I have known it prevail in the county of Cork; it is not attributable at all to the gentlemen of the bar who conduct the prosecutions there, either under the late Attorney General; and if there was a degree of comparison, it would be less under the present; but under the late Attorney General, the gentlemen of the bar did not countenance it at all; and the Crown solicitor for

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that circuit, would not countenance it either ; but the police magistrates interfere, that is, the magistrates appointed by government ; and I have seen the magistrates of the county of Cork, I mean as well the police magistrates as other magistrates in that county, attending particular prosecutions, setting aside the Catholic jurors, and endeavouring to pick out, as much as possible, a Protestant jury, some of them Orangemen.

That is rather when the cause comes on for trial ?—Entirely.

It is not, in influencing the return of the panel ?—No ; the return of the panel in the county of Cork includes a great number of names ; several hundred, as it ought to do ; and therefore, by means of the right of the Crown to set it aside, the prosecutor in every case can, in fact, choose his own jury.

In the county you have alluded to, that right has been exercised in setting aside Catholic jurors ?—It was exercised till I complained of it. I have endeavoured to avoid the criminal court as much as I could ; but as soon as I complained of it, Mr. Sergeant Goold, who conducts the criminal prosecutions there, and who is as liberal a gentleman as can possibly exist, and an extremely able man, instantly discountenanced it, and prevented it as much as he possibly could ; the Crown solicitor also concurred in preventing it.

Are you acquainted with the mode in which the police in your county of Kerry have been appointed ?—The magistrates in my county kept to themselves the nomination of the police ; they nominated all the police, and there never has been the least complaint of any outrage upon the people being committed by a police man in my county ; in point of discipline and appearance, they are to the full equal to any other police, and in their efficiency they cannot be exceeded ; they do their duty without giving offence to any person ; they certainly would not lightly fire at any crowd of individuals in the county, for any man who fired could not know but it would be his own brother or father he may shoot.

Do you know whether the majority of the police of the county of Kerry are Catholic or Protestant ?—I believe a very decided majority are Catholics.

Do you think it advisable, in selecting and appointing police men, to take men from the immediate neighbourhood ?—From the county I should think it decidedly advisable, whenever the magistracy was of a certain character. The county of Kerry I take to be particularly well circumstanced, with respect to a great number of its magistrates ; it has excellent Protestant, and I may venture to say excellent Catholic magistrates.

Would it not be likely to lead to the exercise of prejudice in some cases, and of favour in others ?—Yes, it would certainly ; but the situation of a police man is an extremely valuable one to the Irish peasant ; it is quite an establishment to him, and he would not lightly forfeit it ; and if he committed any kind of offence, it would be known who did it immediately ; he would be under the eye of his own neighbours, and he would not be likely to escape as a stranger would. There is a kind of domestic watching over him, if he be appointed in his own county ; my own opinion in the abstract would be, that it would be highly advisable that the magistrates should appoint in each particular county ; and I know in Kerry, where the experiment has been made, the result is undoubtedly such as one would wish.

Individual police men have frequently very great power in their dispersion over the county, in ones and twos ?—They have.

Without vigilant inspection, would not those powers be subject to very great abuse ?—Certainly ; but I think those much more likely to be abused by strangers than by natives.

In the county of Kerry, where the magistrates appointed from the inhabitants of the county their own police men, still a power is vested in and exercised by the government officer to remove those police men, if he shall think fit, to any part of the county ?—Yes, I understand that that power is vested in him ; it is a power that one would say certainly ought to be in him.

Then, in the event of any favour being exercised, arising from local connection, do not you think that that power of change of quarters is sufficient to correct it ?—It certainly would tend very much to correct any local evil ; but my opinion is, that the evil would be greater in bringing in strangers.

Do you know whether the clergy of the Roman Catholic church, in the parts of Munster with which you are acquainted, have made any exertions in maintaining the peace of the county ?—Great and constant ; the clergy of the Catholic church in Kerry are unremitting in their exertions, whenever occasion requires, to preserve the peace.

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Are any particular instances present to your recollection, in which their exertions have been of service?—In all cases where disturbances broke out I knew the Catholic clergy to take the most zealous and active measures in their power to quell the disturbances.

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Have those exertions ever been at personal risk to themselves, or attended with fatal consequences to themselves?—At personal risk, certainly; I do not recollect any case of fatal consequence in Munster; except that in the county of Limerick, there was a Catholic priest shot by them upon his interfering to prevent outrage or felony; he was shot by Whiteboys or felons.

That was the case of Mr. Malguiny?—Yes; it also happened on the day that the man was murdered between Tralee and Killarney, in January 1822, his name was Brereton; at that period a Mr. O'Donnel at Milstreet was taken by the insurgents, who turned out upon that occasion in open rebellion, and was actually upon his knees to be shot, when the priest fortunately arrived, threw himself between Mr. O'Donnel and the persons who were going to shoot him, and remained in that position with the utmost peril to himself; they repeatedly declared that they would shoot him if he did not come from between them; he protected, at his own personal risk, Mr. O'Donnel, who would certainly have been murdered if the priest had not done that.

You have a good opportunity of knowing the opinions of the Roman Catholic gentry in Ireland, with respect to the Protestant establishment in the country; have you any notion that the Roman Catholic gentry of Ireland wish to have the Protestant hierarchy transferred to their own priesthood?—I am quite convinced that the Catholic gentry in Ireland would oppose, as strongly as it would be possible for them to do, any transfer of the property of the Established church from that church to their own; I am quite convinced they would oppose it. I am sure, for one individual, I should concur in that opposition most heartily.

Can you form any opinion, whether the Roman Catholic clergy of Ireland would be disinclined to accept of a provision from the state, if in doing so they were freed from all imputation of making a separate cause from that of the laity?—I am convinced they would not accept it at all till the Catholics were emancipated, because, until that event, they could not be freed from the imputation of trafficking for their own advantage; but I am sure that if an equalization of civil rights took place, they would accept of it, and that the Catholic gentry would concur with them, in a desire that they should, the object being to connect the Catholic clergy and laity of Ireland with the government itself, to embody them as it were as a portion of the state, and to give the government what we would desire, a reasonable and fair influence over the Catholic clergy, so that there should not be even an idea of any danger of their being taken away to favour a foreign enemy, or to favour domestic insurrection; I am sure that is the opinion of the clergy, and I know it is the opinion of the Catholic gentry.

Do you think such an arrangement can in any manner have the effect of alienating the flocks from the clergy, if so paid?—If made upon an Emancipation Bill heartily entered into, in a proper spirit; and I would beg leave to say, it would be better to leave things as they are than to have an Emancipation Bill that was not in a proper spirit both for the Catholics and Protestants, for it would be giving us additional power, and leaving still a stimulant to those animosities that divide the country; and I think the thing should remain as it is, unless it be done heartily and cordially; if it be done so, I have not the least doubt that it would not at all interfere between the priests and their flocks, or take away the influence from them; there is more of intellect about an Irish peasant than they frequently get credit for.

Have you any reason to apprehend whether there is any tendency on the part of any foreign country to interfere with the education of persons for the Irish priesthood?—Yes, there is; I believe that there is in France a very great tendency to that effect at present; there is great encouragement now giving to the education of Irish priests in France; there are considerable funds, that in worse times were transferred by Catholic families to France for the education of the priesthood; my own family were among the principal contributors; we have a large property comparatively remaining, our admitted right, in the French university; we have now either four or five young men educating there, but we have not one educating for the priesthood.

This was a great many years ago?—These foundations were established sixty or eighty years ago, when no priest could possibly be educated in Ireland. It would have

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have been extremely desirable, if at the peace it had been managed to get those funds restored to this country.

Have you reason to think that at present the French government are active with respect to those funds?—Persons acting under the French Government certainly are; and I have a strong apprehension that that will increase very much if there is a temptation left to its increase, by leaving matters as they stand at present in Ireland.

Do you not believe that the Roman Catholics of Ireland, both clergy and laity, would be very willing to afford to the government of the country reasonable security for the domestic education of their priesthood, and that there should not be persons appointed from the establishments abroad?—I am quite convinced of it; I beg to say, that I am thoroughly convinced that the object of the Catholic clergy and laity of Ireland is sincerely and honestly to concur with the government, in every measure that shall increase the strength of the government in Ireland so as to consolidate Ireland with England completely, and in every beneficial aspect; I am quite convinced of that.

And in that particular instance?—In that instance completely; they would very heartily concur, that no person should be nominated to any situation in the Catholic church of Ireland who was not substantially educated, as well as born in allegiance, and in Ireland.

Do you not think that some measure of that kind would be calculated to give great additional security to the country against foreign interference, in all domestic concerns?—I am convinced it would; my conviction is, that there is great danger in allowing matters to remain as they are. Perhaps my private interests influence, to a certain degree, that conviction, without my perceiving it; I do not perceive it, if my interests do; but I am conscientiously convinced there is great future peril, in leaving the increase of foreign education of our priesthood in the way it is likely to be.

Have you observed any difference in the loyalty of priests who have been educated abroad, and those who have been educated in Ireland?—No; with this exception, the priests who were educated in France were old, I may say, when I became a man; and they had a natural abhorrence of the French revolution, which bore so much upon the Catholic clergy. They were very strong anti-jacobins, if I may use the expression; by that means there was among them a great deal of what is called ultra royalism; but with the priests educated at Maynooth, the anti-jacobin feeling is gone by, and they are more identified with the people; and therefore in the phrase that is usually called Loyalty, they do not come within the description of it so much as the priests educated in France, for that reason; but then, in the time of my father and uncle, the priests educated in France were Jacobites. They were enemies to a certain extent; while they submitted to the laws, their own opinions ran against the succession of the present family on the throne; and they were perhaps dangerous before the French revolution in that respect.

Have not considerable funds lately been applied in Ireland to the establishment of seminaries, for educating and supplying persons to do the duties of priests?—The only funds that I know of, to any amount, are those which the Jesuits have applied for the purpose of establishing colleges there for education in Ireland. I allude particularly to that at Clongowes, and its branches.

Are you aware of any other Jesuit establishments that are now formed?—Only those connected with Clongowes; boys ought to be eleven or twelve to go to Clongowes; I did not send my own sons there till that age. There is a juvenile establishment or two for young children, connected with Clongowes; I do not know of any other. There was a purchase of a great part of a parish in the county of Tipperary, a short time ago; it was bought by a Mr. Rice, who is the great founder of the monks school in Ireland; but he bought it I know for an individual gentleman, and not for any establishment.

In this establishment do they educate for the priesthood especially, or educate generally?—Educate generally; my eldest son, who is keeping terms, was educated at Clongowes, before he entered Trinity college; and so my second son, till he declined the literary pursuit; and my third son, whom I at present intend for the profession of the bar, is at Clongowes at this moment; my fourth son I mean to send as soon as he is fit.

It is only a preparatory education?—It is general education; no person can be admitted to the priesthood from Clongowes, it has not become a regular Jesuit establishment; they are Jesuits, therefore, but as to the priesthood, a man must first

go through a noviciate and become a Jesuit, and then be priested as a Jesuit, but the students at Clongowes have no connection at all with the priesthood, other than that they may become priests, but in itself they have no connection.

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You stated, that you thought there would be no objection, on the part of the Roman Catholic priesthood, to have the appointments of the Roman Catholic clergy confined to persons born and educated in Ireland?—That is my opinion.

Would there be any objection to the interference of the Crown in prohibiting the appointment of particular individuals, or in controlling them?—At present there would be so much that it would totally spoil the effect of any measure of emancipation, and I would respectfully, in that case, submit, that it would be better, perhaps, to leave things as they are than meddle with that just now; if hereafter, in practice, it was found that any real and substantial inconvenience occurred from the present arrangement, I am quite sure the government would find great facilities after the emancipation, both at Rome and in Ireland, in making a proper and satisfactory arrangement on that subject; I know much and intimately the opinions of the most influential of the Catholic clergy in Ireland, if they have a political fault it is a leaning to government, and a wish to identify themselves with the government; and it is perhaps right, I should add, that there is no class of men more strongly inclined that way than the leading men of that very college of the Jesuits, very clever men, and highly cultivated.

You stated, that you did not conceive the Roman Catholic gentry would at all concur in the plan for transferring to the Roman Catholic clergy the possessions of the Protestant church?—I do.

Do you think the Roman Catholic gentry would feel any objection to a diminution of the property of the Protestant church, which was not connected with a transfer to their own church?—None at all; they would be very desirous of a diminution of tithes.

Would the Protestant gentry be equally so?—I think there would be great unanimity upon that subject, from Armagh to Kerry.

You conceive, then, that the Roman Catholic does not pay tithe more unwillingly than the Protestant?—In practice I have known the Protestant more outrageous in paying it than the Catholic.

Have not you heard it stated, as a special ground of complaint, that the Roman Catholic peasant should pay to maintain the clergy of a different persuasion?—I have, but I do not think I ever heard it complained of, except in the cases which are so general in the south, of there being no Protestant, or scarcely any except the clergyman who receives the tithes; but I never heard, where there was a fair proportion of Protestants; I do not think I have; I may, but I do not recollect it.

Do they consider it a greater hardship to pay to clergymen than to lay impropriators?—I cannot say that they do; I recollect, now, instances where they considered it still a greater grievance to pay to a lay impropriator; but in some of the instances the lay impropriator has been more moderate than the proctor or lessee of the clergyman, in others the lay impropriator has been the strictest of all; in lay impropriations, in two or three instances, they have considered it as quite ridiculous to be paying tithes, where there is not the pretence of religion at all connected with it.

Which do you think is the feeling which operates the most, an objection to pay where religion is not concerned, or an objection to pay where a different religion is concerned?—I do not think it makes any great difference; I am sure they would have great objection to pay their own clergy, tithes, and cattle, and fight as hard as they do, either with the layman or the parson in questions of property; abstract points of faith do not enter much.

Are the Committee to understand, that you take a clear distinction between the Roman Catholics being willing that the government should interfere, by nominating, or by any thing equivalent to it, and their affording a perfect security that there should be no foreign interference?—The greatest and most marked distinction, the interference of the government, in point of nomination, would prevent any kind of harmony; in the act of emancipation, it would take away all influence from such persons as have had influence among the Catholic people; I know some of them, they would wish to make the union cordial and complete; it would deprive us of the power of doing that, the apprehension upon that subject is very great; and besides, it could not be done without a reference to the tribunal at Rome, without some assent from Rome; it would, therefore, be a postponement; but in itself, even if the clergy acceded to it, the general turn of mind of the laity is such, that it would spoil

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the effect of emancipation, and create, perhaps, a worse feeling than exists even at this moment.

You do not apprehend any of these consequences, from a perfect security being given for domestic nomination?—I do not apprehend any of those consequences; I think we should all concur in that.

With respect to domestic nomination, there are two things included in it; one is, that the persons appointed should be persons born and educated at home; the next is, that although the Pope has the patronage of your church, yet that the origination of the appointments should be domestic; how far do your ideas concur with these?—Entirely concur with my own wishes for both. I wish for both extremely. As to the first, namely, being born and educated at home, I am quite convinced, that that could be easily and immediately done. As to the other, the taking away from the Pope all possible right of originating a nomination, perhaps some difficulty may arise; at least means should be taken, and something in the nature of a *concordat*, which I believe would be most easily managed, may be necessary for that purpose. I do not say it will, because it is only to a certain extent that my knowledge goes upon this subject.

In point of fact, does the Pope at present exercise any such power of original nomination?—Yes; he has nominated several, it is understood, at the instance of the British government.

But otherwise, is it a thing acceptable to the Roman Catholic clergy, that he should interfere in the original nomination?—Ireland is considered, in the Catholic church, as in an anomalous state. We have preserved the hierarchy complete, and yet it is a missionary country; and the amount of being a missionary country is, that the appointment of ecclesiastics belongs to the congregation *De propagandâ fide*, and in that way there is, as far as I understand it, a greater dominion over the nomination given to the Pope, and belonging to him, than if it were not a missionary country. My notion is, and I believe I may speak with some confidence, that it would be very easy for the British government to have it cease to be a missionary country; and that, in fact, it would cease to be a missionary country the moment the Catholics were put upon an equal footing with other British subjects; at this moment, the original rights which remain are national rights, and those national rights would be under the control of government, so far as they do not interfere with religion itself. I think, therefore, that that arrangement may be made, that there is a part of it that could be made at once, but that the other would require some detail.

Do you happen to know that any country is considered otherwise than as a missionary country, unless the Roman Catholic religion is established in it?—If by that is meant established by being connected with the state, I do not know it; but having, from unfortunate circumstances, more knowledge upon these points than laymen generally have, I conceive, that if what I call an Emancipation bill passed, at that moment the right which the Pope has upon a missionary country would totally cease; there would not be the least pretext for continuing it, and I believe all the Catholic clergy in Ireland would be anxious for that.

Do you happen to know whether the kingdom of the Netherlands is considered as a missionary country?—I am convinced it is not.

Prussia?—Prussia was till lately.

You have alluded to the necessity of some *concordat* being arranged with the see of Rome?—Merely to arrange the original right of nomination from the Pope himself.

Do you think that such an arrangement with the see of Rome would more easily be effected after the measure of Roman Catholic emancipation had passed, than it would before it?—Most certainly after. I take it that government would not find the least difficulty in making that arrangement after emancipation: the present state of Ireland brings the Catholics into a kind of a corporate capacity: they act as a body by reason of the compression; if emancipation took place, there would be a total end to that, and we would mix in all the grades of society without distinction; and as there certainly is a most unaffected desire on our parts to become king's subjects, I do not think the government would have the least difficulty in being satisfied upon these points after emancipation.

In other countries, where *concordats* have been made by the Pope, have they not been cotemporaneous with the settlement of other branches of the question?—I believe not; I think, in general, in other states the civil rights were first conceded; I may be mistaken upon this, but whatever the precedents may be in that way, and however

however valuable we lawyers may consider precedents, I am sure I know enough of the Irish Catholics, to know that there would be great difficulties thrown in the way before emancipation, and I will venture to pledge myself, that there would be none at all afterwards.

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Do you think there would be any difficulty on the part of the court of Rome?—In the court of Rome I believe you would find great facility, because you would find from the Catholic clergy themselves great facilities; and the two Roman Catholic archbishops that would be nearest to government, are both gentlemen who are disposed to facilitate any thing that is deemed wise by the government of the country, if it could be done without interfering with what they consider their duty. I was asked a question respecting the state of things in the Netherlands; I believe there are several unsettled points in the Netherlands.

When a Catholic see is vacant, in what manner is that at present filled up?—In some of the sees there has been a rude continuation of the deans and chapters; those are now asserting their rights to originate the nomination; and in every instance that they have asserted it, I believe it has been allowed at Rome. Where there are not deans and chapters, an election by parish priests has been very much the recent practice; and wherever they have elected, if the neighbouring bishops concur, that nomination has been received at Rome, and confirmed.

Is that a practice of recent date?—Of recent date; eight or ten years.

Is it the general practice now in Ireland?—The consulting of parish priests is becoming a very general practice now in Ireland among the Catholics, as to the original nomination.

Is not the interference of the Pope in original nomination, whether under the idea of its being a missionary country or otherwise, an unpopular thing with the clergy of Ireland?—It is quite an unpopular thing among both clergy and laity in Ireland.

Do you not think, in that respect, they are under the same feelings that the English Catholics were before the Reformation, in guarding against the incroachments of the See of Rome?—All the Catholic clergy and laity in Ireland, except those that expect special favour, would, in my opinion, be quite unanimous in having that nomination taken away, as far as it can be done consistently with our religious principles.

If the government of the country were desirous of giving the Pope effectual power of originating nominations in Ireland, would they not find it almost impossible to do so?—They would find it extremely difficult to do it; they would find it very strongly opposed by Catholics in Ireland; I should myself oppose it as far as I possibly could; and if I thought I made myself master of the doctrines of the Catholic church upon this subject, if I found that I could safely oppose it completely, I would not submit to it.

Are not references frequently made to the Pope, in questions which arise between the clergy and the bishops?—Yes; in cases purely ecclesiastical and spiritual, the Pope is the supreme head of the Catholic church, to whom the appeal in those cases lies, in all questions of controversy between the priests and the bishops; when a bishop censures a priest, if the priest conceives that censure unfounded, he has an appeal to the immediate superior, to the archbishop, and if he does not get relief from the archbishop, he has an appeal to Rome, and they do appeal; and I have known instances where a priest has thus appealed with success; if the bishop alters the parish, or takes away any right the priest may conceive himself entitled to, he has that appeal.

Have you known it occur where the boundary of the parish has been altered?—Yes, I have; a Mr. Moriarty, a priest in Kerry, a very near relation of mine, was bishop of Kerry, and thought it right to alter the parishes by subdividing them; Mr. Moriarty appealed to Rome, and appealed successfully, and he compares his bishop to Bonaparte, he said he wanted to Bonapartise his diocese.

Have you not known references made also in cases of marriage, in questions arising respecting the marriage of parties?—There are questions of marriages within the prohibited degrees, that certainly do arise, and may be conveyed to Rome, and from information, I should say are conveyed to Rome; and those questions are standing at present, and would make unpleasant points arise upon ejectments by children; they ought to be settled by law.

Are not those references to Rome unpleasant and unpopular?—They would be very unpopular if they were not upon mere spiritual questions; but they are a resource against ecclesiastical tyranny or misconduct, and in that view are not unpopular.

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In cases of excommunication are they not sometimes resorted to?—Every Catholic is apprised, that any excommunication for any thing that is not religious, is itself a void excommunication; but if there did occur a case of excommunication where it was a spiritual matter, the appeal would lie to Rome; to the bishop from the priest, from the bishop to the archbishop, and from the archbishop to Rome.

In the case of a marriage within the degrees that your church forbids, and that the Protestant church allows, the Roman Catholic priest would consider his parishioner as living in a state of sin, if he cohabited with a person with whom a marriage had been celebrated within those degrees, and in a spiritual point of view he would endeavour to restrain him from doing so; but with respect to the issue of the marriage which the Protestant church acknowledges as a lawful one, would not every person of your religion consider that the issue was entitled to succeed, according to the laws of the country?—Certainly; and upon an ejectment they certainly would recover; so much so, that if the parties themselves were not cognizant of their relationship, and if mischief was to follow from it, I do not think the Catholic clergy would disturb them, by obtruding the information they had not before them: I know that occurred in a most horrible instance with the late Dr. Troy; there was a woman who had a child at the age of fifteen, and the child was taken to the Charter School; and it happened, that at the age of four or five and thirty years she married a very young man, and it turned out to be her own son: Dr. Troy became acquainted with the fact, and the result was that he did not inform them of it; she died soon after, but there was quite time enough for him to inform her of it, but he thought it was better not, for fear of the consequences.

Do you know the circumstances under which the college of Clongowes is called a Jesuit establishment?—The order of Jesuits is restored in the Catholic church; a man has as much a right to be a Jesuit in Ireland as to be a lawyer there; they had property, they were Irishmen, and they preferred vesting that property in Ireland, for the education of the Irish youth.

Is the establishment of the regular order of Jesuits?—I believe so; at least so I understand; there are superiors, there are priests of the order, there are novices, and there are lay brothers; I take it to be a regular Jesuit establishment.

Are they in connection with any establishments in foreign countries?—They are in connection with the Jesuits at Stoneyhurst, in this country; but they are in connection as any of the orders of friars in the Catholic church are; in the Catholic church all the friars have their spiritual superior at Rome, and their immediate superior in Ireland, or whatever country they are in throughout Europe; it is so in every country, Catholic and Protestant, where there are friars.

Are they under any general of the order?—Yes; every order of friars is under a general; the Jesuits certainly have a general, and so have the Carmelites of the two orders in Ireland, and so have the Franciscans of the two orders in Ireland, and the Augustinians in Ireland, and the Dominicans in Ireland; the only order in Ireland that has not a general in Rome, are the education monks; they have no general at Rome, as I believe.

Can they confer, and do they confer upon young men the order of Jesuit?—I am convinced they do receive them into the order; they go through their noviciates, and they make their vows. In the female convents a profession is displayed, and people go to see the reception of a novice, and her taking her vows. It is not made a sight of in the convents of men; but the process is pretty much the same in both.

Is a Jesuit admitted to orders in the Roman Catholic church, *virtute ordinis*?—No; the bishop must be satisfied that he is a fit person.

The claims of the Jesuits, in that respect, have been resisted?—I do not believe they were ever yielded to in Ireland.

Were they ever assented to in Ireland?—I do not know, I never heard that they were; whenever particular privileges are set up by any order of the church, they are generally resisted; and any particular privilege would be resisted by the bishops in Ireland.

Would not that be a question that would be properly referred to the Pope?—A question upon any privilege of that sort would be properly referred to the Pope; but I have no doubt if the Emancipation Bill passed, there is not a question of that sort that would not be easily communicated to the government.

Have you heard that the late Pope wished to enforce that privilege for the Jesuits in England?—I have not heard that; but I think I may venture to say, that it has not been attempted in Ireland, or I should have heard of it.

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Is not there an establishment for the education of priests in Kilkenny?—I am convinced there is; the foundation of Maynooth is by no means sufficient, in my judgment, for the education of Catholic clergy in Ireland; the bishops have found it necessary to have a seminary for the education of priests themselves. There is one, I believe, in Kilkenny; there is one I know in Kerry; there is one I know in Cork. I am not apprized that there is one in Limerick, or in Clare; I believe there is one in Limerick; there is one certainly at Carlow.

Those are under the regulation of the bishops, and not of any particular order?—Precisely so; there is a distinction in the Catholic church between secular and regular clergy. The parish priests, and those educated at Maynooth, are all of the class of secular clergy; the friars and monks are all called regular clergy.

Are the numbers limited in those colleges?—Limited only by the means.

Can you state at all what is the number educated throughout Ireland?—I cannot; there is a constant demand for Irish priests from England and America, and the West Indies; and wherever the English language is spoken they are extremely anxious to get Irish priests.

The establishments you last mentioned, are for a younger order of persons than those at Maynooth?—The bishops desire as much as they can, before they send any of their priests into parishes, to have them pass some time at Maynooth; but Maynooth not being sufficient, I know several that were never even at Maynooth; they were merely educated in the diocesan seminary.

Do you not think it very important, that persons, who are candidates for orders in the Roman Catholic church, should be very early brought from their homes, and put in places of education, where they are under habits of discipline?—Certainly; till lately, they were almost all of them children of a very low class, but now there are many of the gentry becoming priests; there are many events that contributed to a tendency to increase the number of the children of gentry disposed to become priests.

Do you know any thing of a class of persons, who went about the country, young boys, who called themselves poor scholars, boys who were to be educated as Catholic priests?—Yes; at present I take it that all that do it are impostors, and ill conducted impostors; formerly there was a numerous class that begged its way to some education, by this means, and having acquired a knowledge of Greek and Latin sufficient, were ordained when they attained the age of twenty-three years and some months, and they then went to the Burses as they were called in France; at present, I take all of the class of poor scholars to be impostors.

Can you state, what class of persons the Catholic priests educated at Maynooth, and at those diocesan schools are?—They are mostly the children of peasants or small farmers; but latterly several gentry are becoming priests; there are a good many of them now in Maynooth.

Do not you think an arrangement, for making a provision for the Roman Catholic clergy, would be much calculated to raise the order of priests?—To introduce children of a wealthier class certainly; but, perhaps, not a better class. Those young men, when they get education, the cultivation has the same effect upon them, as it would have if they had been born of higher parents. They make, at present, excellent and exemplary priests.

In your opinion, if emancipation was granted as a condition to the clergy being paid by government, would it not produce the effect of a better description of persons becoming candidates for the priesthood?—If by better is meant, as I suppose it is, a wealthier class, it certainly would have that tendency, and a useful tendency for the purposes of government I take it, because they would not be so much under the influence of very low people, as they necessarily are, when all their relations are in the lowest stage of society.

They would be an important link in the chain of society —I think they would be a very important and useful one.

Are you acquainted with the Catholic college at Carlow?—I know that a college exists, and I know the superiors of it.

They educate for the priesthood altogether, that is, a person may be appointed a priest from that college?—Yes, a man may be ordained, as many are, who never were beyond the seminary of Carlow, as I believe.

Do you know the expense incurred by a young person, who goes through that college?—I cannot furnish the Committee with any calculation upon that subject.

Are you aware, whether the secular clergy in Ireland, are at all assisted by the regular clergy in the performance of their duty?—Yes; the secular clergy of Ireland,

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in the towns particularly, can never do half, or third of the duties, without the regular clergy; for example, in the parish in which I live in Dublin, I myself, and my family, hear mass every Sunday, at a friary in Clarendon-street; and the greater part of the Catholics of property in that parish, hear mass at that friary; there are probably, every Sunday, near 1,000 persons who go to communion at that friary alone; now but for that friary, the parish chapel would never be sufficient for the numbers that desire to go to communion.

Can you state, from your own knowledge, the difference that exists in the Catholic church, between monks and friars?—The distinction I take to be exactly this; we have in Ireland what are called education monks, a certain class that are of novel institution; I will put those for the present out of my answer to the question. A friar, in its present definition, signifies a person belonging to an order bound by a vow of poverty. The monks have large estates and fortunes. A friar, properly speaking, neither he nor his convent could have any property, some of them are supported by mere mendicity, and there are certain mendicant orders, but all those who are supported by charity in any way are of the orders of friars, having taken the vow of poverty. The monks some of them took the vow of personal poverty, but the order was rich; others were neither bound to poverty personally, nor by their order.

Is not the assistance which the priests derive from the monastic orders, in the performance of their duty, chiefly afforded by that class of individuals called friars?—In Ireland it is, there is no other class in Ireland; the Augustinians, properly speaking, were not friars, they were canons regular of the order of St. Augustine; most of the convents in Ireland belonged to the order of St. Augustine, and that order has been continued, but they are now supported as the friars are in Ireland; they are all perfectly ready to assist the secular priests in their duties.

Are not the convents in which females are, very numerous throughout Ireland, and very wealthy?—There are several of them; they are not to say very wealthy, but they all can support themselves, and their wealth is increasing, because each lady who comes into a convent is obliged to bring a certain sum, as three or four hundred pounds; now that money is not consumed, but becomes capital, and the interest of it supports the convent; the consequence is, that as time rolls over them the amount of their capital is accumulating.

Do you know the Ursuline convent in Cork?—Very well.

Can you state, from general report, what the amount of wealth of that convent is?—I know the convent quite well, but could not make any calculation of that; they have lately bought, outside of the city of Cork, a very handsome demesne, which they are inclosing with a very high wall and gardens, and building wings to the house that was upon that domain; they educate the Catholic young ladies of Ireland in great numbers, it is a favourite place of education for the young ladies.

You did not hear of their offering a sum to the amount of 30,000*l.* for the purchase of an estate?—No; I did not hear of that offer, but I should not be surprised to hear that, between the money brought in by nuns, and the great accumulation of profits upon education, which to them are very considerable, for the nuns themselves teach all the arts, and every thing but dancing, and then they live upon very little.

Is their object confined exclusively to the education of females?—The Ursuline convent in Cork is exclusively confined to the education of females; besides the duties of the nuns themselves, which are purely religious.

Is not that the case in all other female convents about Ireland?—The other convent in Cork, which I believe is called Poor Clares, educate the poor children in great numbers, and I believe that they educate young boys; they have an immense number of poor children, I know, that they educate.

The question referred to the Ursuline order generally?—The Ursuline order in Ireland is generally confined to the education of the upper classes, but wherever there is not another convent of females to educate the poor females *gratis*, they always establish a school to educate the poor females; wherever there is a second convent it takes that duty, they only educate the wealthier classes.

Do all the female convents educate *gratis* throughout the country?—No; the Ursuline convent in Cork does not educate *gratis*, they educate Catholic young ladies, and are paid.

You state, that the mode in which the wealth of the convents has arisen, is from the money each person pays in coming into the convent, which is vested as capital; can you tell the Committee from whence they get the interest, or how that money

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is vested in order to pay interest?—Formerly they used to lay it out in landed property, latterly it has been in bank stock or government securities.

Are the Jesuits and Augustinians the principal orders established in Ireland?—They are the principal orders that are established in Ireland; there are Carmelites of two orders in Ireland, the shod and unshod Carmelites; the Dominicans and Franciscans of two orders, at the least; I believe some Benedictines, but I will not say positively, but those that I have mentioned, I know of.

In case the Emancipation Bill was carried, is there any prospect of any opulent Catholics now resident on the Continent, returning to Ireland with their property?—That I have heard; but I know that if emancipation be delayed, some very wealthy Catholics will carry their property out of Ireland; I know instances where they are preparing to do it, urged by the greater acrimony of modern times, and getting weary of the contest.

What is your opinion with respect to the sentiments entertained by the lower orders of the Catholics, in reference to the penal laws?—The opinion is universal, that they are governed by force, and that those who administer the law, are in an attitude of constant hostility against them, and there is a perpetual hatred amongst them against the governing powers. Its effect is to indispose them to every act of the government; and when a man is punished, his friends console themselves by considering it an act of violence and injustice, instead of being the administration of law towards him.

Are they generally acquainted and sensible of the disability they labour under?—They are quite sensible of it, and if they want to be reminded of it at all, wherever there are Protestants in their neighbourhood of their own class, they are reminded of it by the greater advantages of being Protestants which they see; and if there be any thing at all of the Orange in their neighbourhood, that reminds them still more strongly of it.

Would the passing of the Emancipation Bill produce amongst them any general feeling of satisfaction?—I am quite sure that I am not consulting the interests of the Catholic gentry, when I say that I am certain it would create great satisfaction among them, the links of society act upon each other down to the remotest part of the chain; and if Catholics were emancipated, they would be in their various stations according to their talents and merit, as Protestants are, and then the patronage of every kind would become equally distributable through the country, distributable from those individuals who are connected with the government through the country, and as soon as that occurred, the line of distinction that is so marked now, of keeping the patronage in one class, would be completely effaced, the effect would be that the people and the government would become reconciled to each other.

Would the removal of the civil disabilities contribute to diminish the popular disorders and disturbances that have prevailed?—I am sure they would very much, at present every oppression comes upon them with a double aspect; it is oppression in itself and oppression from an enemy; although I have never attributed the disturbances of Ireland merely to the want of emancipation, I am quite sure that the want of emancipation aggravates every thing of that kind, and consequently taking that want away would take away so much of the evil.

You are then decidedly of opinion, that the removal of the disabilities would lead to the diminishing or getting rid altogether of that great practical evil, the disposition of the people to embark in disturbance?—I am sure it would very much facilitate the return to tranquillity; by itself it would not tranquillize Ireland, but without it I do not think you can ever have Ireland perfectly tranquil; with it you would be making great progress towards tranquillity, with the prospect of arriving at it; and one of its best effects perhaps would be, that it would put an end to the irritation prevailing between the various sects.

Would it tend to diminish the religious animosities that exist?—Most certainly; I take it emancipation would completely extinguish those, for I have always perceived that when Catholics and Protestants of a liberal class come to know each other personally, the animosity diminishes even by personal knowledge.

Is not that the case in the county of Kerry very much?—In the county of Kerry there is no animosity almost; there is scarcely a trace of it; with the exception of Tarbert, where there was a kind of hotbed for it, it is unknown in Kerry.

Does not a very strong feeling exist, and is not a mode of reasoning very prevalent among the people, that though it does not immediately affect the people themselves, still no children of theirs, however talented, can ever obtain the immunities of state?—People perceive that very well, and calculate upon it among themselves, and

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and their pothouse politicians do not fail to tell them so; they remember some of the first names in Ireland having been the sons of peasants like themselves, and they know that every office and station and situation in the state is open to the child of a Protestant, and that none practically are open to them.

Do those disabilities contribute to retard the progress of internal improvement in Ireland?—Very much, because they aggravate the evils which otherwise exist, and continuing them will tend to perpetuate that system of disturbance which of course prevent manufacturers from settling and capital from coming in, and frighten away the gentry.

Does it not mainly contribute to render the state of security of property imperfect in Ireland?—Certainly it contributes to perpetuate disturbance.

Does not a very strong sympathy exist in the minds of a great proportion of the Protestant population with their Catholic countrymen, in consequence of those privileges not being granted to them?—Great and strong in the south of Ireland; a very large class of Protestants, a great majority of the Protestants are sincerely and unaffectedly anxious for the emancipation of the Catholics; indeed, with the exception of some of the more violent of a particular class of dissenters, and of those persons that are immediately connected with, and have a personal interest in continuing the system, the Protestants in the south in general, with a few exceptions, are desirous of Catholic emancipation, as far as my knowledge has gone.

In point of fact, from your intercourse with Protestants, which has been very general in the south of Ireland, have you not discovered that a great majority of the Protestants of the south are favourable to what is called Catholic emancipation?—I have no doubt at all of it.

Do you mean unconditional emancipation, or an arrangement with the Catholics, by which emancipation might be granted to them?—I do not think the Protestants enter into that detail much; a great part of the Protestants are for emancipation in such a way as the government would arrange it, having (those who are best informed) no fears at all of the consequence; there are others that entertain apprehensions, and therefore would require what are called securities; there are others again that would not emancipate us upon any terms.

Do you think the majority of Protestants who are favourable to Catholic emancipation prefer or rather would approve, of only conditional emancipation?—No, I do not, in my own experience, except such conditions as I myself would be very anxious to see accompany emancipation; that is, such conditions as would connect the Catholics and Catholic clergy with the government, precisely as the Protestants are connected with it; so that there should be no longer distinctions between one portion of the subjects and the other, either among themselves, or with relation to the government.

For instance, a provision for the Catholic clergy, and a certain control to the government in the appointment of that clergy?—As to the appointment of the clergy, a difficulty arises which Catholics would not accede to; there are scarcely any of the Protestants of education in the south of Ireland, that say there shall never be emancipation.

In the late disturbances in the counties of Cork and Limerick, and in parts of Tipperary, were not the attacks as generally directed against Roman Catholic gentlemen as against Protestants?—Certainly they were; and in many instances, the people that were murdered were Catholics; in most of the instances.

Do you think that any more apprehension prevails in the minds of those Protestants, than in the minds of the respectable part of the Catholics, as to any consequences that may arise from disturbances in the country?—Certainly not; the Catholics of property have been equally anxious to put down those disturbances, and where I have known of it, to say the least, equally efficient.

Can you give the Committee any information as to the course of education pursued at Maynooth college?—I can inform the Committee, that the course is published; and that for a few pence, or at least a few shillings, the syllabus of the course of education there can be had at Coyne's in Capel-street, in Dublin.

Is there not a very great want of books at Maynooth college?—They complain of wanting books; the funds are totally inadequate for Maynooth college; without any disrespect, there is what I would call a miserable penury in the way that Maynooth college is treated.

Does that want of books interrupt the course of study, according to the system pursued in the English university by books?—It affects it materially; but the mind of youth during the period of study, especially at Maynooth, where they are kept almost

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almost isolated from the world, where they are not allowed so much as a newspaper, in point of political information, there it is actually a want; there is an aptitude for learning, and such books as they have they devour in some measure, and become masters of every thing that is within their reach; there are four or five or six years in human life, when the mind is fittest for the purposes of the acquisition of knowledge; they are at Maynooth at that time living under a rigid discipline in point of hours, living very temperately in point of provisions, and secluded from the politics and pursuits of the world, much more, perhaps, than one would reasonably imagine; the consequence is, that all the influences upon the human mind tend one way, to acquiring as much knowledge as they possibly can; and the effect of that is really most striking in Ireland, with respect to the young priests educated at Maynooth.

Is the want of books supplied by very copious and lengthened oral discourses?—They do still dictate lectures, which the young men take down; and that is a most clumsy and tedious mode of education; at least, so I understand.

Then you cannot say whether those lectures ever go beyond the mere dry course of theological studies; whether they embrace political discussions at all?—Certainly not; politics are totally excluded from Maynooth.

By politics, you mean the politics of the day?—The politics of the day; political economy, it would be quite a treat to a youth there to be allowed to study.

Newspapers, you say, are not allowed?—Quite excluded from the young men; I have a nephew, who intends to be a priest, at Maynooth, and when he comes to my house at Dublin, it is a great treat to him to be allowed to go over the newspapers, four or five or six weeks old.

Are they allowed to mix with gentlemen and others residing in the neighbourhood?—Not at all.

Then are the Committee right in supposing, that Maynooth college has very much the appearance of a very strict monastery?—It has a good deal of a monastic discipline. What surprises me most, with respect to the young men educated at Maynooth, is not that they acquire a classical and scientific knowledge, but that they really acquire a style in the English language that is of a very superior order; they write admirably well.

Do you think, that that perfect seclusion from common life is much calculated to improve the disposition and habits of the gentlemen who are destined to become priests, and to fill important posts in life afterwards?—I think it is. The Committee will recollect, that celibacy is a principal feature with respect to the Catholic clergy; then, if at the period of life at which those young men are educated, they were not kept secluded, they never could, in my judgment, from the propensities of nature, so over-rule their passions, as to be able to live a life of celibacy afterwards. I think, therefore, that that species of seclusion is perhaps essentially necessary to the formation of the Catholic clergy; and I know, from those persons who are there, particularly those I see before me every day, that it does not at all prevent their acquiring even the manners of gentlemen, and the courtesies of civilized life.

Do you think, that as this is said to be the age of liberality, in so very strict a state of education as that employed at Maynooth, that young men can imbibe those principles which they ought to carry afterwards into life, and which renders the present age so superior to former ages?—My own opinion is, that there ought to be perfect religious freedom every where; but when I say, that I think that indifference as to religious faith is a bad thing, I think people ought to be perfectly cautious in selecting, and perfectly sincere in professing a religious faith, and with these notions I am anxious to see the priesthood deeply imbued with the importance of their station and situation in life; and I look to the solemn, marked, and religious education of a priest as a great good in society. I do not think there is any practical evil at all from it; the liberality of the present age has completely done away, in my judgment, the possibility of any of those gloomy superstitions, that would be laughed out of society at present; and after all, perhaps, we hear more of them in romances than existed in any state of society.

Do not you think those gloomy superstitions are very likely to be imbibed in so close and strict an education as that at Maynooth?—I have no such fears.

What is to counteract it?—Science, while they are there, because they go through a course of natural and scientific philosophy, and they mix in their recreations with the world. Again, the very keeping away books from them makes them more anxious for them when the restraint is removed.

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Is there any prohibition upon the course of their studies, when they leave Maynooth for their vacations, or when they leave Maynooth to visit their friends?—I am convinced, none except the general one against any work tending to immorality, and in particular those works that would excite ideas of impurity, against which there is a particular caution, and a necessary one, for the kind of life they are leading. I know an immense number of priests that have been educated there, and there is not a tinge about them of that species of superstition; and the children of exceedingly vulgar people, you would be surprised if you met them in society, to see how completely the manners, and almost the tone, of genteel society, they had acquired.

In the event of what is called Catholic emancipation being granted, the Committee presume you would think the present sum that is annually voted for Maynooth totally inadequate to the purpose?—I am quite convinced it is totally inadequate at the present; and I venture to say that, without emancipation, there is great danger by reason of this inadequacy, because there is a greater temptation to have Catholic priests educated in France, which is a growing evil to my own knowledge.

Are you able to inform the Committee of the comparative expense of education at Maynooth, and at the Burses in France?—No, I am not.

Is it not less in France?—I am quite convinced it is less in France.

Then the effect of increasing foreign education is rather to induce the lower class of the community to enter into the priesthood?—It would be one tendency certainly.

The Committee wish to know whether it is your decided opinion, that the objections that have been raised by many Protestants in Ireland to Catholic emancipation have greatly lessened within the last ten or twenty years, and that the objections to that measure, on the part of the Protestants, are much weaker than they have been?—I think they are weaker now among the Protestants in general; however, the mutual calumnies, as I hope they are, upon each other, of the Orange party and the Catholics, have more exasperated the Catholics, and also the Orangemen; and I think latterly there has been violence against us amongst the Orangemen; but among the Protestants there is less apprehension than formerly. I know of my own knowledge, that the Catholic Association has won upon a great number of Protestants, particularly in Dublin.

Do you not think that with respect to Orangemen, as you would define them, and Catholics, there is a natural action and re-action?—Certainly; faults on both sides, in my opinion.

The Orangemen probably entertain a very improper notion of the Catholics; and some Catholics entertain very improper notions of Orangemen?—Yes, I am sure it is so; and one of the beneficial results of emancipation would be, to put an end to that mutual action and re-action.

Do not you think that, without emancipation, the exasperation arising from that action and re-action might be greatly lessened, by both parties abstaining from violent language?—I am sure it might; but in point of fact, I am convinced it never will without emancipation; the Orangemen have a personal interest, many of them, in excluding the Catholics, as any man has an interest in monopoly. The Catholics, on the other hand, wish to share in the benefit of the things so monopolized; and when you add to individual interest religious zeal, when those both run in the same channel, they make so powerful a current, that it would be very hard to stop it.

Do you think that it is possible that that good-will, which all wish to see in Ireland, can exist so long as the Orange lodges exist, and Catholics are excluded from being Orangemen?—I think that alone would continue the ill-will; I think that if the Catholics were emancipated, and the Orange lodges continued in their present system, that however loyal a Catholic may be, he could not be admitted. As for example, the case of the Earl of Fingal, who fought the rebels in the year 1798, if he still were excluded from any society for his religion, that alone would perpetuate the animosity; and if the Catholics formed a similar society, it would have the same effect.

Is the general impression in Ireland, that no Protestant who ever has been a Roman Catholic, is admitted into the Orange societies?—It is; and I believe that impression is founded upon fact thus far, that in the original oaths of the Orangemen, there is something to that effect, that he is not, nor ever was, a Roman Catholic.

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If Catholic emancipation were granted, do you think there would be any objection to raising the qualification of voters?—I doubt whether it be a desirable measure; but it is quite another question, whether so much liberty being purchased by emancipation, it would be right for the Catholics to make a stand upon the forty shilling freeholds; as an individual, my own wish would be, to extend the franchise as far as I possibly could to every one.

As a general principle?—Yes; I know the system of forty shillings freeholds is full of abuses, and with the extreme number of oaths with which it has been loaded, creates great perjury. I am myself a parliamentary reformer upon principle.

In point of fact, generally speaking, forty shilling freeholders of Ireland exercise no freedom of election whatever?—Generally speaking, in many districts they do not; in cities they do decidedly exercise a freedom of election, and I have known them to exercise it, as far as my experience went, in cities with great disinterestedness, and at great personal sacrifices; in counties, in general, they do not, for they become part of the live stock of a great estate.

Do you think they can set any value upon a franchise, in the exercise of which they are so constrained?—It is valuable to them, notwithstanding; for even in an estate where they are very much in the power of the landlord, the landlord is obliged, to a certain extent, to use the phrase I did before, to court them; and it is of value to an Irish peasant in the south, to get a tenure of land, and to have a life in his lease.

Do you know the system that is in general pursued, of ordering electors into the hustings?—I do, and condemn it very much.

Is it not by a note from the bailiff, as he is called in the north, or the driver in the south?—Yes, it is done in that way; there are great abuses in the system of regulations; it produces great perjury, but if those abuses, particularly the perjury, could be done away, in that case I should be sorry to see the forty shilling freeholds abolished; although I do not mean to contend, that as a condition of emancipation, some arrangement might not take place upon that subject.

In the parts of the county you are most conversant with, do not you think that a moderate raising of the qualification would equally benefit Catholics and Protestants?—I rather think, that by raising the qualification, you would raise the Roman Catholic influence in most of the counties in the south of Ireland, because the forty shilling freeholder is much more the property of his landlord, than the 5*l.* or the 10*l.* freeholder would be; and as the greater part of the estates in fee are in the hands of Protestants, the consequence is, that with the forty shilling Catholic freeholders, the Protestant landlord has really an influence; whereas the 5*l.* or 10*l.* freeholder would be more independent, and more likely to follow the bent of his own inclination.

Then, in that way, it would be acceptable to the Catholic population of Ireland?—If we were emancipated, the question politically between Catholic and Protestant would, in my mind, be at an end; but, if we were to continue unemancipated, if it were understood as distinctly as I understand it, it ought, for those reasons, to be acceptable to the Catholics.

Do you think that Catholic freeholders, or indeed freeholders in any part of Ireland, are proud of their franchise?—Yes, certainly, they all feel its advantages; it is the first step towards not being exactly slaves; it mitigates every part of the system.

In your own case, as possessing a landed estate, do you find that those persons who have leases for lives on your property, will go to the mere trifling expense of three-pence, which is the sum allowed by law, to register their freeholds, without which registry they cannot vote?—Yes, they would, if I did not get them registered.

Do you believe that is the general habit throughout Ireland?—I do; I know instances where persons have had freeholds acquired by remaining upon common land upwards of twenty years; and they have, at their own expense, unless somebody has done it for them, been quite ready to get them registered.

Does not that differ entirely from the nature of a common freehold interest in Ireland; is not that a freehold in itself?—It is a fee simple, but it shews that there is an anxiety on the part of the peasant, to have the advantage of being a freeholder.

Do you think that at present, in principle, the elective franchise can be said to be a franchise, when it depends upon so many circumstances that would prevent it being a franchise; for instance, there is the necessity of registering every seven years; if he does not register every seven years, he loses his freehold?—It is excessively clogged in Ireland, certainly.

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Do you think that that in principle is a franchise?—There still remains the franchise in principle; but in practice very much qualified by the regulations; to a lawyer it is quite familiar, that whenever you set about mending a thing by Act of Parliament, you increase the other mischiefs tenfold, unless the simple plan be taken of beginning by repealing every thing that went before, and making your entire system in one Act of Parliament.

Do you think, that the population in Ireland, of the lower class of freeholders, would be satisfied to renounce what they consider an advantage, without any advantage being given them in return?—They certainly would not; and I should take it to be an excessively dangerous experiment to set about taking that right from the forty shilling freeholders generally, without doing something first to conciliate them.

Do you not think, that it might be easily brought home to their understandings, that Catholic emancipation being granted was a full remuneration for such loss?—My own opinion is, that it might easily be done so, more especially if the qualification was not made too high in the first instance, and leaving to the present class their right during the remainder of their lease.

Do you not think that any good effects would arise from raising the elective franchise, laying aside all party feeling?—Good effects in the abolition of perjury and frauds; but my own opinion is strongly in favour of extending the right of voting.

Could it be extended in Ireland?—It could be extended every where, upon principles that to my mind appear the principles of the constitution and of justice.

Do you think that there would be any well-grounded apprehension of discontent in consequence of it?—I think if the elective franchise was taken away from the forty shilling freeholders, without satisfactory emancipation, there would be well-grounded apprehensions.

In the event of Catholic emancipation being granted, you think there would not be?—I think if a satisfactory act of emancipation was granted, it would be very easy to avoid all peril upon that subject.

Do not you think the feeling the Catholics would have upon the removal of what they consider a stigma upon their religion, would be that that was a greater benefit to them than any benefit they derive from the elective franchise?—I am sure they would consider it so. I do not think there is a people in the world more disposed than the Irish to enter into that view of it.

What effect do you think would be produced upon the Protestant freeholders, who would be disfranchised in the same way as the Catholics, but who would have no such compensation for their loss, as the Catholics would have?—My opinion is, that the Protestant freeholders would consider such an act as an unqualified grievance upon them; nor do I think there are any means of reconciling them to it.

Are they not very few in comparison with the Catholics?—In the north, I apprehend they are numerous; I do not see how the Protestant freeholders of the north could be reconciled to it, unless by gentlemen possessing influence convincing them that there was some equivalent given to them, by increasing the general Protestant interest in Parliament, against the particular Catholic interests which would be promoted.

If they considered that the carrying the question of emancipation, had a great effect in increasing the tranquillity of the country and removing the evils which affect Ireland, would not that be considered an equivalent?—I should suppose it would; because it ought to influence every fair mind, and therefore the Protestant forty shilling freeholders would be as likely to be satisfied for any thing that is reasonable as the Catholic freeholders.

How do the laws stand in regard to Catholic charities?—The law as to the Catholic charities in Ireland, I take to have been, by a recent decision, favourable to them to a certain extent; there has been a decision, that a bequest for performing masses, is not an illegal bequest, but the commissioners of charitable donations and bequests in Ireland, being all Protestants, and having a power to litigate any charity they please, and whether they are successful or unsuccessful, they are entitled to the full costs of that litigation; that terrifies Catholics from making charitable bequests, who otherwise would. It would be quite right in any bill of emancipation, to regulate that.

With regard to money given for building schools, or houses or chapels, is there still a practical difficulty in the way of any person who wishes so to dispose of his property?—I do not think there is any difficulty, that an experienced lawyer might not easily obviate; there are difficulties with respect to trustees, who may not be so easily

easily compelled to execute those trusts; but in practice, what we do is, to vest the property in six or seven trustees, and as soon as one of those die, or two or three, then the survivors nominate new trustees, so as to make up the original number; by that means continuing the property in joint tenancy, going to the survivors, in whom a personal confidence, from their character, is reposed; there is no danger of the intervention of heirs or executors, who would not be likely to perform the trusts; and it is by that scheme that Catholic charities are at present protected; but as that scheme requires a personal confidence, it is of course liable to abuse, and it is inconvenient, inasmuch as it creates expense, and creates trouble, and renders it necessary to have machinery to carry it on, wherever things of that kind occur, and naturally retards the progress of charity.

Then you are of opinion, it would be desirable to have the law made more clear and satisfactory than it at present is?—I do think it would; it is a very delicate subject to meddle with, and had better be reserved, if there were an Emancipation Bill, entirely for a subsequent consideration.

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SIXTH DAY.

Martis, 8^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

Mr. John Astle called in, and examined.

YOU are a principal ship-owner in Dublin?—I own two or three vessels, in the North American trade principally.

How long have you been settled in Dublin?—Between eight and nine years.

You are an Englishman?—Yes; I went from London.

Are you concerned in the carrying of emigrants from Ireland to North America?—I carry out a good many every year.

Have you had reason to complain of the provisions of an Act of Parliament for regulating that trade?—The Act is very injurious to the trade, inasmuch as it limits the number that is allowed to be carried; it has doubled the expense of emigration, and has therefore diminished the number of emigrants.

What is the number that may be carried according to the tonnage?—The present Act is one for every two tons, the crew included; but the Act that this repealed was three for two tons, without the crew.

Are there any other regulations that are considered to be injurious to the trade?—The fifth section provides a space which not one vessel in a thousand will afford; that again brings down the number in proportion to the tonnage; it requires a space of six feet in length, and two feet six in breadth, and five feet six in height; there is no officer in His Majesty's navy has such a space.

Is that for one person?—Yes; the breadth, I believe, in His Majesty's transports is eighteen inches; the consequence is, that by applying the measurement in the fifth section to a vessel of my own last year, although the fourth section allows us to take half the tonnage, yet the vessel would not measure, under the fifth section, near half the tonnage, and I lost in the last year, in one ship, twenty-nine persons in the licence.

Are the vessels limited to two deck vessels?—Yes; we generally make a deck for the voyage, and take it up again at the end of the voyage.

Is that in consequence of the Act requiring all vessels to have two decks?—They must have two decks.

Then the height between decks is of no consequence?—We are bound to have five feet eight between decks.

Is that any inconvenience to you?—It compels us to use a better class of shipping, which is beneficial to the health of the passengers.

Do the regulations respecting the provisions for the emigrants create inconvenience?—They are remarkably vexatious to an Irish emigrant, because there is a scale of provisions in the Act, which the Irish emigrant is not in the habit of consuming—beef and pork and barley, and so on; the consequence is, that the Irish emigrant provides his own provisions, which are generally oatmeal and potatoes; and

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and under this Act we cannot clear without we have those provisions on board; the consequence is, that we are obliged to provide them at our own charge.

Be so good as to state the provisions you are required to take on board, by the eleventh section?—Five pints of water a day; one pound weight of bread or biscuit; one pound weight of beef, or three quarters of a pound of pork daily; two pounds weight of flour; and three pounds weight of oatmeal; and a pound of barley; and a pound of butter weekly.

What is the usual provision taken by an emigrant, when he finds his own?—Oatmeal and potatoes, and a slight portion of butter and eggs.

What does it cost him?—In the north of Ireland they generally provide themselves better than they do with us; upon an average about 40s.

For how many days?—I always make them carry sixty days provisions; it costs from 30s. to 40s.

What has been the effect of this Act of Parliament with regard to the rate you charge for the passage?—Very nearly doubled it.

What was the former rate?—The rate varied almost every year; at the time this Act of Parliament passed it was about 40s. to 50s. from Ireland to Quebec.

What do you charge under this Act of Parliament?—Four pounds to five guineas. The qualification of the surgeon is very vexatious, it is totally above what is necessary for the trade; you cannot carry any surgeon but what has regularly passed the college; several army surgeons applied to me last year, and I could not take them, although they had passed the medical board here; in consequence of which it cost many of the ships fifty guineas last year.

Was that Act of Parliament passed to regulate the trade between Ireland and America?—No, it must have been to regulate the trade between England and the Cape of Good Hope.

Is there any necessity for any Act of Parliament to regulate this trade?—There is a necessity for some regulation, or else I should think the cupidity of the brokers would lead them to crowd the ships too much with the unfortunate emigrants.

Was not the trade in a great degree free before this Act of Parliament passed, although there were Acts on the statute book?—Prior to the passing of the Act which the late Act repealed, trade was free, but it was found necessary to provide some Act for regulating it, but the last Act was evaded just as much.

Is not the effect of this Act rather to encourage the American shipping?—It operates a good deal to the advantage of American shipping; for instance, all the commanders of His Majesty's ships are authorized and ordered, under this Act, to examine every British ship on the sea, and when the vessel arrives in Quebec, the passengers are all mustered again; now the American ship, as soon as she is out of Dublin, no British ship of war can touch her; and when she goes into port, nobody can inspect her.

Suppose it took no cargo on board?—Half the vessels go out in ballast.

Is not the trade principally confined to the timber trade?—Timber and ashes.

There is no regular out freight for the ships in this trade?—Except from Liverpool, salt and coals; about half the tonnage goes in ballast, and probably half loaded.

What quantity of tonnage do you conceive is applicable to carrying out emigrants from Ireland to America, in a year?—There were I think 590 ships arrived in Quebec last year; I suppose 500 of them were between Britain and Ireland; taking half of them, I calculate there might be 500,000 tons applied; that is, calculating that the vessels make two voyages, most of them do make two voyages in a year.

How many emigrants would it be possible to carry out, supposing there was a demand sufficient to fill the vessels?—I think 100,000 a year might be carried.

Have you read the paper that was published last year, being a letter from Mr. Robinson to Mr. Wilmot Horton, respecting the experiment that was made of sending out emigrants at the expense of government?—I did see the paper; I recollect the substance of it.

Does it appear to you that the expense of carrying out emigrants might be considerably less than it is there stated to have been?—I do not know that it could be less, consistently with what the government gave them. I think it is too expensive a mode, but for what the emigrants got, I do not know that it is too expensive; it is too expensive a scale, but for the scale itself, it is not much out of the way.

Could the business be conducted upon a cheaper plan, by the government making contracts with the ship-owners in this trade?—I do not know that, upon the scale on

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on which they have gone, they would get it much cheaper; but I think they might alter the scale *in toto*, with very great advantage.

Might not they alter it with advantage, so as to do every thing that is necessary for the benefit of the emigrants, and still make the expense considerably less than it has been?—I think they might alter their scale *in toto*, so as to render all necessary assistance to the emigrants, without giving them so much, because they place them in a much better situation in Canada than they were in Ireland.

If the emigrant was required to provide his own provisions, what would be the expense of carrying him from Ireland to Quebec?—I think if the merchants had proper notice in the autumn before, of a great quantity of shipping being wanted, that any number might be taken out for about 3*l.* 10*s.* a head. The emigrant finding his own provisions, and the shippers only finding water and coals, and a surgeon, and births.

What number of emigrants go from Ireland generally in a year?—The emigration has considerably decreased latterly; at the close of the war there was an emigration of about thirty or forty thousand. I think the present emigration is from fifteen to twenty thousand.

What description of persons go?—All descriptions; there are not so many extreme poor go as used, the present price being too high.

Are they farmers or tradesmen?—Mostly all that go now are agriculturists; those who went early, that is, some years since, were artizans.

From what counties do they commonly go?—They go from different counties almost every year; I think the northern and midland counties are the principal, and some towards the west; Longford was the great county last year.

Have you any means of knowing whether they are principally Protestants or Catholics?—I think more Protestants go than Catholics; that is, considering the relative situation in which the two bodies in the population of Ireland stand to one another; there is a majority of Catholics go, but still, taking the Catholics as standing six to one to the Protestants in the country, I think there are not probably more than three to one in the emigration.

Do any of the low description of the Catholic peasantry go?—Not latterly; the general custom is, that when a family is about to emigrate, two or three of the youngest and strongest go first, and then, when they obtain a footing, they send the rest of the family; they generally do not send the whole of the family at first, without they have some means.

Can you suggest any regulations to the Committee, that might be of use in assisting emigrants, by giving them information in Ireland, of what they would have to do when they arrived in America?—What I would recommend is, to give them nothing but a free passage; I think the present government is giving them too much; when you place them in a better situation than you find them in, they become immediately jealous of your motives; for the lower orders of the Irish are not in the habit of having presents upon that extensive scale made to them; but if you divide the expense and the difficulty with them, you give them quite sufficient assistance to place them comfortably in America, and at the same time you bring their own abilities into action, so as to facilitate the object of their emigration.

If only a free passage was given, do you conceive that there would be a great many apply to go out under those circumstances?—I do.

What would become of them when they got to America?—They would immediately go up the St. Lawrence. My reason for recommending only a free passage being given to them, is, that we know fifteen to twenty thousand a year go in and pay their passage; and there can be no difficulty, if twenty thousand succeed by paying their passage, that fifty thousand would succeed, not paying their passage.

Do you think they would be able to carry out money sufficient to enable them to make a settlement in America?—You might make them deposit five pounds in Ireland, and give it them back when they got to Canada; that would prevent their becoming burdensome to the colony.

Is there sufficient labour to employ them?—There is always abundance of labour in Quebec; and the misfortune is, that the wages being high in Quebec, they do not go up the country; and then, when the winter comes on, they are obliged to go up the country, as the employment ceases then.

What happens when they remain at Quebec for the winter?—If they become burthensome, the police or the government order them in twenty-four hours out of the town; then they go to Montreal, and they do the same at Montreal.

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Where do they proceed to after that?—They generally proceed up to New York or Upper Canada; it is to be regretted that there is no land office in Quebec.

You conceive it would be very essential to have a land office opened at Quebec?—Very materially so; there is a voluntary emigration society in Quebec, which has done much good; but, generally speaking, the emigrants lose a great deal of time in making inquiries.

Have those who have gone out generally succeeded, and become comfortably established in America?—Most of them do very well; we do not find any of them come home.

What do you hear of their own accounts of their progress?—I have conversed with great numbers of them; they have sometimes come back to fetch the remainder of their family; they all seem very much delighted with it; and, generally speaking, the lower orders view America as a sort of Land of Promise; they have generally succeeded, both in the low parts and the Canadas.

Have you ever been applied to by landlords in Ireland to carry out emigrants?—I have taken them out for landlords, when the landlords have paid their passage; the emigrants being unable to pay it.

Could the lowest description of Irish peasantry, if their passage were paid out, and 5*l.* lodged for them at Quebec, make their way after arriving at Quebec?—I think there would be no difficulty, providing the first emigration is of persons possessing a trifling capital, so that they would be able to locate themselves upon the lands; and they would be able to employ the next year's settlers.

Is there any difficulty in obtaining locations?—The government fees used to be very heavy, but I believe they have been repealed latterly; in fact, it was cheaper to buy land than to take it a present from government.

Is land given to every body that applies for it?—Every body that applies, I apprehend, gets seventy acres for a man, fifty for his wife, and twenty for every child.

Is he required to give any security?—He is required to build a house in the first year, to clear five acres, and cut a road opposite to it.

Can every individual emigrant that applies obtain land on those terms?—I believe there is no difficulty at all, that is, in Upper Canada; if he wants to settle nearer, he must purchase.

Are you acquainted with the circumstances of Upper Canada, with regard to climate and productions?—I am acquainted, from being concerned in the trade, and conversing with people that are always going there; I believe it is a very fine climate.

How is the climate in winter?—It is rather severe in winter, and warm in summer; but as the country clears, the winters get milder.

Does it grow ordinary crops of corn and potatoes, as well as these countries?—Just the same; it grows tobacco; the tobacco has succeeded very well there.

Can you acquaint the Committee with any circumstances that are injurious to your trade as a ship-owner, in regard to the building of ships in Dublin?—I think the state of combination among the carpenters throughout Ireland, which is a branch of what is termed there the Union of Trades, is of very serious consequence, both to ship-owners and the manufacturing interest; in fact, to all capitalists concerned in trade.

What is the society called the Union of Trades?—The Union of Trades consists of a union of all trades throughout Ireland.

Is it carried on by direct communication throughout all Ireland?—I believe it is a regular society; and I am rather inclined to think it has often been confounded with the Ribbon-men's societies.

What are the objects of this union?—To keep up the price of labour.

In what way do they carry their object into operation?—By preventing the number of apprentices in all trades; they keep down the number of apprentices, allowing you to employ no more than a certain number, and if you do, they often assault and commit murder.

How many ship builders are there in Dublin?—Four.

Have they been prevented from taking as many apprentices as they wished?—Yes.

Can you mention any instances?—There is a gentleman of the name of Hatton, who has taken one more apprentice than they allowed; they allowed him twelve, and he has taken thirteen.

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Can you mention any other instance?—They turned out against Clements; they have turned out against all the masters alternately.

In what manner do they enforce their laws?—At present there has been no violence committed by them; but generally speaking, there is great violence; for instance, if the carpenters turn out, they employ the joiners to beat people; if the joiners turn out, they employ the carpenters, which prevents the people that suffer from recognising the people that assault them.

Have any assaults of this description lately taken place?—On the printers in the Morning Post Office; and they nearly killed two labourers.

Have they been able to establish a general intimidation over the workmen, by their proceedings?—Decidedly; the case of Mr. Robinson was a very striking one; he was an eminent iron manufacturer; he went to considerable expense, and erected an engine for the making of nails, the same as in Birmingham; and the nailers immediately went forward, and would not work for any person that bought Robinson's nails; but finding that Robinson was too strong for them, they then got a meeting of upwards of three thousand, who said, that if the masters compelled them to drive Robinson's nails, they would drive them crooked; the operation of this is, that Mr. Robinson's machine is standing idle; and the people in Ireland are importing the very same nails from Birmingham, whereas we could make them at home.

Have any arrangements been made, to induce the police to suppress this state of disorder and violation of the laws?—The police never attempt any thing till the violence is actually committed; and after a man is murdered, or beat very severely, then they interfere; but it strikes me, what they should do is, to look out for those houses where their clubs meet, and put down the whole system.

In your opinion, have the police displayed sufficient activity, in endeavouring to obtain obedience to the laws, in regard to those associations?—I think not; I think, generally speaking, the magistrates lean against machinery in Ireland, being afraid it will reduce the price of labour. In the case of Robinson's, he told me, that he was afraid his manufactory of nails would injure the nailers; but if the same system was pursued in England, they would be in as bad a situation as we are in Ireland.

Do you conceive the general law of the land, which makes all cases of assault criminal, if properly enforced in Dublin by the police, would suppress this system?—I do not see how, as the law at present stands, that they can attack the parties till the assault is committed; whereas the only good that can be done, is to put the whole system down; the whole trades of Ireland are in one state of combination, and they have delegates in different towns; travelling delegates have been taken up in Cork, in Kilkenny, and in Dublin.

Has it, in point of fact, turned out, that when attempts have been made to punish those persons, that those attempts were successful?—No; in the last three years in Dublin, there have been ten lives lost, and not one man convicted for those offences.

To what circumstance do you attribute that?—To the difficulty of identifying the persons which I before described; when they commit any of those assaults, they always employ another trade to do it.

Do you think that a sort of popular prejudice prevails, inducing persons to conceive that those people are right in resisting the introduction of English manufactures or machinery for the purpose of diminishing the use of manual labour?—I think, generally speaking, the gentry of Ireland lean that way.

Do you think the police officers and magistrates of Dublin lean that way?—I must think so, when I see the effect that they do not interfere.

What effect, in your own trade as a ship-owner, practically, has this union of trades had?—As far as regards the combining of shipwrights, if the Committee call for a return, they will probably find 1,500 vessels at this moment in Ireland, and not 50 of them built in Ireland.

Where are they built?—In England, or in the colonies; for instance, latterly the ship-owners of Liverpool and Whitehaven have taken our oak from Dublin and carried it over and built at Whitehaven, and we have been buying them back again; and that is because they will not let us build them; they would not let us keep apprentices, and it is impossible to go into competition with the English ship-builders unless we keep apprentices.

What is the difference between shipwrights' wages in Dublin and in Whitehaven?—The fact is, that in Whitehaven they can keep any number of apprentices, where the wages are only half; in Liverpool and London the whole of the building is done by apprentices.

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The wages are lower in England than in Dublin?—Yes; in Waterford, where the combination is not so strong, the wages are only 3s. 6d. a day; in Dublin they are 4s. 10½d.; but they were strong enough in Dublin to prevent our taking apprentices.

Can you give the Committee any information with respect to English capital going over to Ireland?—I think that one great cause of its not coming over is this state of union of trades; for instance, there is Mr. Wright, the hatter, was obliged to remove one part of his manufactory out of Ireland, in consequence of the combination; but there have been certainly more English capitalists come latterly than there have been formerly; there have been considerable investments made in the north, in the cotton factories.

Do you think there is a greater disposition at present to send English capital to Ireland, than heretofore?—I think so decidedly; the introduction of steam boats has given the public a wonderful facility to the visits of both manufacturers and gentlemen.

Do you conceive that the general state of disorder through the country, has had any great influence in checking the introduction of English capital?—Decidedly it has; of course capital will only flow into a country that is in a quiet state, where there is a probability of both its safety and a good return for it.

Then you conceive that any measures, the effect of which would be to tranquillize Ireland, would also have the effect of inducing English capitalists to fix there?—I think that any measure that would put down all societies, whether political or trading, would be a very material benefit in Ireland.

Is it very desirable to have an alteration in the law, with regard to emigration, speedily made?—The alteration will not affect the emigrants of this year, because most of them are on the point of emigration.

Have you had any communication with government, upon the subject of altering the law?—We memorialized the Lords of the Treasury last year, and there was an investigation, and I think there was a draft of a bill that met our concurrence with the Lords of the Treasury, to amend this Act; it did not exactly meet our concurrence in restricting the numbers.

The bill, as drafted, has not altogether met with the concurrence of the Dublin merchants?—It is altering the space and the provisions, but it does not affect the numbers allowed to be carried; we are still limited in the number; the emigration from Ireland must be both cheap and extensive to be useful.

Have you seen the Unlawful Societies Bill?—I cannot say that I have.

Do you know whether that is calculated to reach those trading societies?—I presume the present law is sufficient, if it was enforced; I think the great deficiency in the law is, that they do not enforce it; the magistrates do not seek out for them, and put them down, before they attain any head; it is impossible for an individual to put them down; I know many individuals are perfectly disgusted with it.

Do you mean, that any difficulty has been felt in obtaining redress in courts of justice, by individuals?—They cannot, by the present law, take any proceedings till the party is identified, and it is next to impossible to identify the party; and if you do commence a prosecution, the whole united trades turn out, and your factory is left.

Do you think such a state of things could take place in England, under the same circumstances, with regard to the law?—I think, the society being in a sounder state in England, the magistrates would be more active, and the parties themselves would attempt to put it down; but under the present state of things in Ireland, an immense quantity of manufactured goods are brought from England, which might be manufactured in Ireland, and which would be, if it was not for the high price of labour; though nominally agricultural labour is very low, it is the dearest place in the world for other labour; if carpenters and shipwrights, and other trades, took apprentices, it would very much reduce the expense, and we might export things to England, whereas now we are the importers; there is not a ship-yard in England that has not orders for one year's employment, that will not take effect; but there are not five ships building in Ireland.

Is there, generally speaking, in Ireland, a considerable supply of timber for ship-building?—There is quite sufficient; we have exported a great deal latterly.

In what parts of the country?—There is a good deal in the county of Waterford, in the county of Dublin, and in the county of Wicklow; I believe there are several cargoes

cargoes that have been taken to Whitehaven and Liverpool; there is not so extensive a supply as there is in England, but we could just as well afford to bring oak from Surrey and Sussex, as they do in Scotland.

Is the timber you allude to, oak or elm?—Oak and elm both.

Hugh O'Connor Esquire called in, and examined.

WHAT is your situation in life, and where do you reside?—I reside in Mountjoy-square, Dublin; I was in trade, a merchant; but I have retired now from trade; I retired last year.

In what branch of trade have you been concerned?—In the West India trade; as a merchant, at the head of a house in the West India trade.

Did you carry on business to any considerable extent?—I believe more so than any house in the West India trade; I believe it was so considered, and I believe the fact was so.

Are you acquainted with the state of trade, and commercial property, in the city of Dublin?—I have a pretty general acquaintance with the state of trade.

Is a considerable portion of the trade of Dublin carried on by Roman Catholics?—Yes.

You yourself are of that persuasion?—I am a Roman Catholic.

Can you inform the Committee, whether any Roman Catholics are members of the Bank direction in the city of Dublin?—None; nor have been.

Have any inconveniences resulted to Roman Catholic merchants in Dublin, in consequence of the exclusion of Roman Catholics from the direction of the Bank?—A great deal of inconvenience, and a good deal of injury.

Will you have the kindness to explain what inconvenience, and what injury, have resulted to Roman Catholic merchants, in consequence of that exclusion?—I am a Bank proprietor myself, and when I was in trade, it would have been a great advantage to me to have been in the Bank direction; not that the 300*l.* a year salary was any object to me, but it would have given me an insight into the state of credit of commercial persons, which would have been of great advantage to me as a merchant, and which insight I could not so well get otherwise; besides, I considered the exclusion of Catholics not only degrading to me individually, but to the Catholic trading body generally; and, as rather a large Bank proprietor, I wished also to have some insight into the management of the concern.

Among the individuals who have been appointed to the direction of the Bank, being Protestants, are there persons who carry on trade on a smaller scale than the Catholics, who, by the practice at the Bank, have been excluded?—There are some persons in trade in the Bank direction, who carry on trade on a very small scale indeed.

Have any efforts been made by the proprietors of the Bank, to obtain the nomination of Roman Catholics to the Bank direction?—I have complained myself very much about the exclusion of Catholic proprietors from the Bank direction; the Bank directors have made it a pretence, (for I considered it nothing but a pretence) that the law interposed the disqualification, which I know is not the fact.

Can you state, what proportion of merchants there are in the Bank direction?—They are nearly all merchants, or persons that have been connected with trade; it does not occur to me that there is, perhaps, more than one, that either has not been in trade, or has not been connected with it, and has had commercial experience and knowledge.

What is the qualification in point of stock?—2,000*l.* stock for a director; 3,000*l.* to be a deputy governor, and 4,000*l.* to be the governor.

In whom is the choice of Bank directors vested?—It lies with the proprietors; but the Bank directors make a house list, and there is a combining and confederating amongst them, to keep up constantly amongst themselves, when once named, monopoly of direction, with party feeling, and to exclude Catholics from the direction.

Are there many other Catholics in the city of Dublin, with whom you are acquainted, who are considerable proprietors of Bank stock?—I know some that are considerable proprietors; some of the largest.

Are there any other public bodies in the city of Dublin, connected with the commerce of Dublin, from which Roman Catholics are excluded?—There is the Ballast board I believe; the expenditure of that board, last or the preceding year, was fifty or sixty thousand pounds, and I never heard of a Catholic being in the direction. I know a gentleman, some years ago was mentioning to me, that he wished

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wished I was in the direction, but says he, no Catholic is in the direction, or has been in the direction; I said I was quite indifferent about it.

With regard to the Chamber of Commerce, which is a voluntary association of the merchants of Dublin, how does that stand with respect to religious distinction?—I am not a member of the Chamber of Commerce; it was established last year, and I was repeatedly solicited to be a member of it, but as I had given up trade, I declined being a member; I do not believe any religious distinctions prevail there.

That association is altogether of a voluntary nature?—I think they are admitted there by ballot; but when it was established last year, it was associated voluntarily.

Within your knowledge of Dublin, have you known the wealth of the Catholic body to increase?—Very considerably.

Have you known any portion of that personal property which has been accumulated by them, to be invested in the purchase of real estate?—Yes, I have.

Have you yourself been a purchaser?—I have not been a purchaser; I have an estate, which was left to me by a relation of mine, a merchant, who purchased it; he was a partner of mine.

In any purchase which you have known take place on the part of a Catholic, have you ever heard an objection raised, on the ground of its having been a forfeited estate in times past?—Never.

Would that circumstance be an objection to yourself, if you thought it proper to vest your money in land?—Certainly not; it never entered my head.

Do you consider there is a disposition at present in English capitalists, to adventure in speculation, in Ireland?—I see there is a very considerable disposition.

Do you consider that the political state of Ireland, has any tendency to retard such investment of English capital in that part of the United Kingdom?—A very material instance of that nature, came within my knowledge, the day before yesterday; a gentleman, a landed proprietor, a Member of Parliament, had nearly completed a treaty, to borrow 50,000*l.* in London; I do not know exactly upon what terms, but however the treaty was nearly completed, and in consequence of the bill suppressing the Catholic Association, and the impression in the lender's mind, that the security for his money in Ireland, under the aspect of affairs, was not such as he would wish, he declined lending the money; this came to my knowledge the day before yesterday.

Was the lender a Catholic or a Protestant?—I do not know; he is an English capitalist.

And the security was to be upon landed property in Ireland?—Upon landed property in Ireland.

Do you understand in what way the bill to which you allude increased the unwillingness of the lender to advance his money?—He thought the security for property for an English capitalist would be likely to become more endangered in consequence, as he conceived, of the discontent being increased, through the means of that bill.

Did he express that opinion?—Yes, I understand so; the borrower is a noble lord.

In what part of the country was his estate situated; in the north, south, east, or west?—It is about the south-west I think.

Did you hear him so express himself?—I did not; it only came to my knowledge the day before yesterday accidentally; a professional gentleman who was concerned in the matter happened to mention it accidentally the day before yesterday; I have heard of it since.

Are you quite sure that the objection of the lender was not founded upon the proceedings of the Association, rather than upon the bill which put down that Association?—I should suppose it was not founded upon the proceedings of the Association, inasmuch as the treaty was in progress when the proceedings of the Association were in activity.

Then you consider the treaty to have broken off in consequence of the apprehension of discontent that might be produced in Ireland?—I have understood so.

Then do you consider, that every cause which has a tendency to augment and aggravate that discontent in Ireland, tends to check the influx of English capital into that country?—I should suppose so, certainly.

Can you trace that consequence to the existing disqualifying laws on the subject of religion in Ireland?—I should think so.

Have you any particular facts upon that subject, which support that opinion?—

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I know that discontent very generally prevails throughout the Catholic body on account of the disqualifying laws; it prevails from the highest Catholic peer to the humblest Catholic peasant; I have no doubt of it.

Is not that discontent very much connected with all the internal system of insurrection and disturbance?—I should think it was; but I resided in Dublin, and I know very little of the interior of Ireland. My knowledge of Irish matters (that is, from my own actual observation) is confined to Dublin, and circumstances there.

Does not that discontent shew itself by those commotions that you read of and hear of in that country?—I think clearly.

Do not you happen to know that there is, generally speaking, great disinclination on the part of the English capitalists to advance money upon the security of landed property in Ireland, amounting almost to a determination not to do so?—I have heard so, I do not know it of my own knowledge.

Arising from a doubt of the security being good?—Arising from a doubt of the security, perhaps, as well as from other causes.

And arising from a doubt of the tranquillity of the country?—Considerable doubt of the tranquillity of the country.

Has it come to your knowledge, that money is pretty freely lent on mortgage in the north of Ireland, at four and a half per cent?—I have heard so, but it has not come to my actual knowledge.

Have you ever served upon grand juries in Dublin?—Never.

Have you ever been called in court to serve?—I think I have been summoned to the commission court; I suppose it was a grand jury.

Have you never been called to the term grand juries?—Never.

Are you a freeholder of the city of Dublin?—No.

Nor a freeman?—No.

Have you known many Catholics summoned to serve upon the term grand juries?—I have not heard of any; I heard it stated as matter of complaint that they had not been summoned; I suppose none have been summoned, for I heard it complained of, that they have not been summoned.

Are very large sums levied upon the inhabitants, by the grand juries of Dublin?—I understand so.

Is it a matter of complaint among the Catholics, that they are not allowed to participate in the levying of those sums, and in the expenditure of them?—I have heard it made matter of complaint by Catholics.

Do you understand whether the exclusion from serving upon term grand juries is peculiar to the Catholics?—I cannot answer that question precisely, for I scarcely ever went to the court myself, but I have understood it was almost entirely peculiar to Catholics; I have heard so.

Have you ever heard, that many very wealthy Protestant gentlemen are equally excluded from serving upon grand juries with Catholics?—I have heard some wealthy Protestant gentlemen, who are what are called liberal Protestants, complain that they were treated like Catholics,

Have you heard the same of any illiberal Protestant gentlemen, as they are called?—Never, that I recollect.

You have not any very accurate knowledge upon the subject?—Indeed, I have not.

In point of fact, do you not know that the term grand juries are composed of members of the corporation only?—Yes; I see in the paper eight or nine or ten aldermen, and sheriffs, peers, and people of that description.

Does not that exclusion of all the inhabitants of Dublin, except those who are possessed of a corporate rank, tend to diminish the confidence which the public feel in the acts, whether civil or criminal, of those grand juries?—I should think it naturally would; it does, in my opinion.

Have you ever attended a county election in Ireland?—Only once; I have been, perhaps, twice, but only for half an hour or so; but I did once attend two or three days.

Where was that?—In the county of Dublin.

What description of persons, in point of property and station, are the forty-shilling freeholders whom you then saw vote, and whom you have seen vote on other occasions?—I took myself, from what I saw, some feeling of objection to the forty-shilling freeholders; I rather lamented that there were that description of freeholders.

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Do you think they are in a station of life which gives any security to the public, of a fair and independent exercise of their franchise?—I think they are not in that station of life that gives such security.

In the event of a bill being carried for the emancipation of the Catholics, as it is termed, do you conceive that it would be desirable to make any alteration in the present qualification of the freeholders?—Very desirable, as it strikes me.

Do you conceive that such alteration would be acceptable to the Catholics, if it formed part of a general measure of emancipation?—It seems to me, that Catholic emancipation would be so great a boon, that I should think it would be acceptable.

Do you consider, that a proposition for altering the franchise, without at the same time accompanying that measure with Catholic emancipation, would be attended with risk or danger?—With both, I think.

Do you consider, that such alteration would contribute to diminish the fair influence of Catholics in elections?—From my own knowledge, I know very little of the nature of elections; I am inclined to think it would not diminish the fair influence of Catholics.

To what amount would you think it advisable to raise the qualification, from the present qualification of forty shillings?—I have heard, that it was proposed to raise it to ten pounds; I should think myself, that the lower classes of electors would think their rights too much abridged by its being raised to ten pounds; I should think, that five pounds would be a better standard; they would consider ten pounds qualification a hardship, I should think; but I know very little of the nature of elections.

In the observations you have made in regard to forty-shilling freeholders, do you apply your observations to counties at large, or do you also apply it to cities and towns?—I meant counties at large.

In point of fact, in cities and towns corporate, are there not persons of independent personal property, who only exercise their franchise by reason of a forty-shilling freehold?—I can only speak of Dublin; I know nothing scarcely beyond Dublin; and I thought the qualification for a freeholder, to exercise his franchise in Dublin, must be twenty pounds; I have myself no freehold in Dublin.

If any measure were adopted in places like Dublin, which limited the freehold right, would not the effect of that be, to give an undue and unfair preponderance to the corporate franchise of freemen?—I should suppose, of course, it would.

Would any measure that increased the corporate power of the freemen be a measure that would excite discontent?—Clearly it would; great discontent.

You possess landed property in Ireland?—I do.

Have you yourself ever made any freeholders upon that property?—No, I have not.

Do you think, considering the manner in which freeholders are made in Ireland, which is entirely by the volition of the landlord, and the registering of them generally at his expense, and that they are carried up to the hustings to vote for whatever candidate the landlord chooses, just in the same way that the same person would carry his live stock to market, that under those circumstances, they possess the same feeling with respect to the elective franchise that they do in this country?—I should think they do not; they are driven up like sheep, to vote; I should think they do not possess the same feelings; I do not know however what the feelings are in this country.

Are you aware that in this country, in ninety-nine cases out of a hundred, a man is a freeholder by right of a property he possesses in fee?—I am told so.

Does not he in that respect differ very much from the Irish freeholder, who is totally dependant for his franchise upon his landlord?—Certainly.

Should you, as a proprietor, think your own power and influence diminished by having the elective franchise raised from forty shillings to twenty pounds a year?—My own power would not; for I have not turned my mind at all to political subjects; I have not even registered my own vote in the county in which I have an estate; my residence in Ireland is confined to Dublin; I have not seen that estate for this ten years.

In what county is that?—In the county of Galway.

Why have you not registered your vote?—I have not been in the county these ten years; and I thought it might involve me in unpleasant circumstances, as I am acquainted with both the members, and some persons spoken of as likely to be candidates.

Do

Do you consider that it would be desirable that a provision were made by the state, for the Roman Catholic clergy in Ireland?—I should think it would.

Hugh O'Connor,
Esq.

Do you think that such an arrangement would be acceptable to the Roman Catholic clergy or laity, if it were accompanied by the general measure of emancipation?—I should think it would, if accompanied by emancipation, but not otherwise.

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Do you think, that otherwise, the clergy would ever be brought to accept of it?—They have entered into resolutions to that effect, that is, to accept no payment but from their flocks; they thought it might impair, if not destroy, the Catholic religion among their flocks, if they did accept it.

You mean, under existing circumstances?—Under existing circumstances.

Was not the ground of their objection stated to be, that they might be considered as purchasing an advantage for themselves, whilst the laity were left in a state of exclusion?—That was the ground.

Have you ever heard of it being likely that any Catholic property will be transferred out of Ireland, in case the civil disabilities are longer continued?—I can answer that question with regard to myself, for I mean to leave Ireland in consequence of the civil disabilities existing, as I now can leave Ireland; I find it not a pleasant residence.

Does the unpleasantness of the residence arise to you, from the disabilities under which you labour, or from the party feeling to which religious differences have given rise?—I take it, that the civil disabilities create that party feeling.

Which is the inconvenience which you peculiarly suffer; is it the political disability, or the inconvenience of party feeling?—I never sought for any place, it is from social intercourse being poisoned.

Do you think that there are other Catholics disposed to take the same step as you say you yourself are inclined to do?—It is natural to suppose there are; I have heard many say, they would leave Ireland if they could with convenience.

Do you think that any proportion of Irish capital will be transferred to other countries, in case the disabilities under which the Catholics labour now are continued?—I should think there would; I have myself some capital in France.

You having retired from business, do not mean to say, that in leaving Ireland you would transfer your capital, but you would transfer your residence?—I would transfer my residence.

Because the civil disabilities under which the Catholics labour make Ireland not so pleasant a residence as you think you can meet with elsewhere?—Yes.

Have you ever heard, that in case emancipation was granted, that Catholics connected with Ireland, who now reside abroad, would come to Ireland, and bring their property with them?—I have not heard of Catholics who reside abroad having much property abroad; but I should think it is probable they would reside in Ireland if Catholic emancipation were granted.

SEVENTH DAY.

Veneris, 11^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

Mr. John Browne called in, and examined.

WHERE do you reside in Ireland?—In Limerick.

What is your profession in Ireland?—I am concerned in a distillery.

Is your establishment there a considerable one?—It is one of the largest in Ireland.

What is the size of the still?—The size of the still now, does not tell the extent of the work; we have four stills, but we make about 450,000 gallons in a year.

Are you concerned in any other distilleries in Ireland?—I am; I have a share in a distillery in Clonmel.

Have you met with any obstructions or difficulties in the conduct of your establishment there, from the people of the country?—None whatever; we have been sixteen years there.

Mr.
John Browne.

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You

Mr.
John Browne.

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You are aware of the existence of religious differences in that part of the United Kingdom?—Yes; there is no person but must be aware of it, who lives in Ireland.

Supposing the measure called Catholic Emancipation were carried, do you think that would afford additional inducements to capitalists to invest their capital in that part of the United Kingdom?—I should think my property there more safe, and I should think other capitalists would consider it in the same light, if religious feuds were done away, and the minds of the people were tranquillized.

Are you a Catholic or a Protestant?—I am a Protestant. I am a native of Scotland.

You would act upon that principle yourself; and you conceive others would act upon it?—I would.

Mr. *Hugh Wallace* called in, and examined.

Mr.
Hugh Wallace.

11 March 1825.

WHERE do you reside in Ireland?—In Downpatrick, in the County of Down.

What is your profession?—I am a solicitor and an attorney in the law courts of Ireland.

Have you acted as land agent?—Frequently.

Are you agent to the new banking company at Belfast?—I am.

Are you acquainted with the practice of making 40s. freeholders?—I cannot say that I am acquainted with any practice of making 40s. freeholders; but I know that a great number of acts have been done by the land proprietors in my neighbourhood, for the purpose of making them.

What acts do you allude to?—The first thing I observed regarding it was, that at the expiration of leases of any large tracts of ground, several of the landlords in the county, for the purpose I conceive of creating freehold interest in the county, cut the farms up into small parcels; where a farm was formerly held by one person, of perhaps fifty or sixty acres of land, the landlord would cut up the farm into tenures for three or four different persons. I also observed, and I conceived it was done with the same view, that the landlords, in place of availing themselves of the opportunities afforded by the clauses against alienation and sub-letting, which were usually contained in the leases, encouraged their tenants to cut up the farms that were in their possession, under the leases; and almost encouraged them, whenever the son or daughter of any large landholder was married, instantly to make a provision for that branch of his family, so as to create a new freehold.

Was the object of the landlord to make sub-tenant freeholders?—Yes.

Has that been carried on to any considerable extent in the county of Down?—I cannot say that it has been to any very considerable extent; but certainly the number of freeholders has been very much increased by it; some landlords have not acted upon that principle at all.

Do you know how many freeholders there are now registered in the county of Down?—I cannot say with any degree of accuracy; I should suppose about 16,000.

Do you know how many freeholders polled at the contested election in 1790?—I do not; there was an election in 1805, but the county was not polled out at that time; I do not think the county has been polled out since 1790.

That election lasted six weeks?—It is beyond the period of my recollection; but I have heard there were either forty-six or forty-seven days polling.

Have you any reason to know whether, before that election in 1805, any large additions had been made to the number of freeholders, in anticipation of that contest?—I was not sufficiently advanced in life in 1805, to have any practical knowledge upon that subject.

Can you speak from your own knowledge, of any case in which the number of freeholders has been greatly increased within a year, in the anticipation of a contest?—I think the freeholders in the county of Down have been very much increased within the last year, and I think are increasing every day, in anticipation of a contest.

Can you say what the number of registered freeholders was three years ago in the county of Down?—No, I cannot; but when I spoke of 16,000 appearing upon the register-book, I do not mean to say, there could be polled in the county of Down that number, because it is a very general practice with very extensive proprietors in the county of Down, to have their tenants registered three or four times, partly to guard against mistakes, and because there may be changes of property; the total

total number of the freeholders placed on the books appearing 16,000, perhaps the total number polled might be not more than 10,000.

Do you conceive that the larger proportion of freeholders have a real *bonâ fide* freehold to the amount of 40s. over and above their rent?—With reference to the estates of some particular proprietors, I would say they have; with reference to the estates of others, I would say, they have not.

Is it consistent with your experience, that the freeholders upon any particular property have usually voted with the proprietor of that property?—My experience has always induced me to suppose, that that is calculated upon, and that the calculation is very seldom disappointed.

Have you any doubt that the number of freeholders is very greatly increased by a conviction on the part of the proprietor, that he adds by every freeholder that he registers, so much to his own personal and political influence in the county?—I have no doubt it is done with that view alone.

Do you conceive that the freeholders themselves attach any particular value to the possession of a freehold?—That species of freeholders, of which I have been speaking, I do not think do.

Then, in point of fact, you do not conceive that they would give more rent for a lease, if it was a freehold lease, than they would give if it was not, but if it was as near as possible an equal term of years?—I should rather suppose that they would consider; I will not say, that they would give a higher rent, but they would consider the freehold a better tenure, for this reason, that they have in general inserted in the leases branches of their own family.

With respect to the number of persons on the registry books, is it not in your knowledge, that the restriction which obliges persons under 20l. to be registered every eight years, necessarily will place upon the books a much greater number of persons than actually can vote, inasmuch as the same persons will there appear registered two or three times?—It must have that effect in some degree, but I do not conceive it is that which occasions so many more names appearing upon the face of the freehold registries, than there are persons entitled to vote; I think it arises from the practice of landlords re-registering their tenants.

They must re-register under the Act, or else they are void at the end of eight years?—I meant to convey, that the landlords do not wait for the expiration of eight years from the original registry.

Are there, within your knowledge, any considerable body of small freeholders in the county of Down, who possess themselves the fee of property of the value of 40s. a year?—In my immediate neighbourhood there are many.

Do you conceive that a freeholder of that description attaches more value to the possession of his freehold, than the freehold lessees, of whom you have been speaking?—Certainly.

Are those freeholders in the habit of having themselves registered?—Until within the last eight or nine years, they have not; within that time, they have.

Do not freeholders of that description feel, that the immense number of the leasehold freeholders on the estates of great proprietors, almost make their own individual votes of little or no value?—I do not conceive that class of freeholders, of whom I have been speaking, take into their consideration the value of the franchise in any other point, than with a view to their having an opportunity of serving, in the event of a contested election, some gentleman, for whom they have a personal regard.

If there were no personal motives which induce them to register their freeholds, do you conceive that, upon general grounds, they would have a disposition to register their freeholds?—I do not conceive that they would take the trouble.

You stated, that you have known large tracts of land, which, upon falling out into lease, had been divided among several lessees; were those persons sub-tenants, existing upon the farm at the time?—In many cases, they were not.

Then they must have been persons who have been introduced for the sole purpose of making freeholders?—On some estates, the lands were put up, in fact, to be let.

Do you conceive, that they were so put up to be let, for the purpose of obtaining the highest rents that could be obtained, or for the purpose of introducing a large number of freeholders upon the estate?—When they were put up to be let, I conceive that they were put up for the purpose of drawing to the landlord a greater profit, in the shape of rent.

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Do you think any kindness is induced from the landlord to his tenantry, by the fact of their having those forty-shilling freeholds?—I question very much if there is.

In some cases, does not it lead to acts of hardship upon the part of the landlord towards his tenants, where the tenants refuse the landlord's solicitation for their votes?—That I have no doubt of.

Do you know in what manner some of the proprietors in Ireland are in the habit of controlling the votes of their tenants?—I know two modes by which they harass the tenants, who do not vote as they wish them to do.

Will you be good enough to state them?—One is, preventing them from having bog ground; (the right of cutting, in the bogs of the landlord, firing for the tenant,) which, in general, is not granted by the leases, but is an easement that they are permitted to enjoy by the landlords; the other is, the compelling them, upon estates where it has always been allowed that half a year's rent should be in the tenant's hands, to pay up that to the day it becomes due.

So that, if the forty-shilling freeholder votes according to his own judgment, he is immediately obliged to pay up what is called the back half-year's rent, and is deprived of firing for the next half-year?—Yes.

The right of fuel is not leased out with the freehold?—It is not.

Generally speaking, those forty-shilling freeholders exercise no freedom of election whatever?—Generally speaking, I do not conceive they do; I conceive quite the reverse.

Do you know if they are ever canvassed by candidates for the county, in Ireland?—I have known instances of their being canvassed on the part of a candidate, and I have known instances of their being influenced against their landlords; but not to any considerable extent.

Do you know whether it has ever been considered, that it was an incorrect proceeding in a candidate to canvass the tenant, after his landlord had declared his opinion to be in favour of the opposing candidate?—I do not know of any thing of the kind taking place, but I have heard of it.

You have heard of such a thing?—I have heard of its creating personal quarrels.

Upon the ground of its being an incorrect proceeding in the candidate so to do?—Yes.

You have stated, that you reside in the county of Down; does your experience extend beyond that county?—My experience, upon any subject of which I have been speaking, does not.

Have you any experience of the counties of Antrim and Londonderry?—I have not.

Do you know whether, in any part of the county of Down, the habit exists, of leasing out in perpetuity, lands to small farmers?—I am sure no such practice exists in the county of Down.

Have you heard of that practice in other parts of Ireland?—I have not; I have never heard of it in any part of Ireland.

Supposing, in some counties of Ireland, it had been the practice in distant days to have leased out those lands in very small portions, in perpetuity, by which the tenants now have a direct freehold interest, but that not to a greater extent than 40s. a year; do not you think it would be a hard thing to deprive them of the franchise?—When I spoke of my not having heard that that was the practice, I had no idea of that question having reference to a distant period; it was not the case within the last forty or fifty years, in the county where I reside; I have also said there are several small farms held in fee; but those have all arisen, not in consequence of leases of small portions of ground being made originally, but of some large tract of ground being granted in fee, and being afterwards subdivided into small portions.

Have you been concerned in land agency?—In the county of Down I have been land agent for two or three estates, for several years.

Have you been engaged in the sale and purchase of land?—I have, very considerably.

What is the usual rate of purchase of land in that county?—I have made several sales and purchases of land in the county of Down, within the last eight or ten years; and I think that the average would be twenty-two and a half year's purchase upon the improved rent of the lands; at present it is so high as twenty-five years purchase.

Is the rent of land in the county of Down considered high, the average annual rent?—In some parts of the county of Down it is, and other parts it is not.

By what measure is land rated in the county of Down?—It varies; we have the English measure, the Conyngham measure, and the Irish measure.

What is the usual average rate of rent per acre, in the county of Down?—I think the average rent of good arable land per Conyngham acre, except when contiguous to towns, may be about 30s.

Is there a proportionate mixture of Protestants and Catholics in the county of Down?—On that point I cannot say any thing, except as to the part of the county in which I immediately reside, I have not any accurate means of forming an estimate, as to the more distant parts of the country; but where I reside, I would conceive that the Protestant population exceeded the Catholic population in number; in several other parts of the county, I have always understood that it is quite the contrary.

As far as your experience goes, have you discovered any indisposition to purchase land in the county of Down, on account of the present unsettled state of the Catholic question?—Quite the reverse. I conceive that there is not any indisposition whatever to purchase property in the county of Down, from any cause.

Are the rents regularly paid?—They are.

Do you think there would be any indisposition on the part of capitalists in this country, to lend money on mortgage, in the county of Down?—I can say, not only that there would not, but that loans to a considerable amount have already been made on security, in the county of Down.

May the Committee infer, that you consider the tenure of property as secure in the county of Down, and the possession as valuable, as in any part of His Majesty's dominions?—I do; and I should say also, that with regard to that portion of the county of Down which is held in fee, where the tenants have not been under the control of the landlords who want to create an interest in 40s. freeholds, the cultivation and appearance of it would stand in comparison with almost any part of this country.

At what rate of interest has the money been advanced on mortgage, in the county of Down?—The lowest rate of interest I have known money lent at, is $4\frac{1}{2}$ per cent., but I have been informed by a gentleman of rank and fortune, in the county of Down, that he has borrowed money at 4 per cent.

Should you consider it any objection to a title to an estate, that it had been a forfeited estate?—If it were an objection with us, we could scarcely ever sell property at all.

Then you would not consider it any objection whatever?—No.

You said you considered the tenure of land in the county of Down, with regard to security, to be as good as in any part of England; did you mean, that there was an equal certainty of having the rents paid, upon any given rental?—I meant to say this, that with regard to any property that has been advertised for sale, and sold, that the rental upon which 22 or 25 years purchase will be given, may be looked upon to be secure; I do not at all mean to say, that the rents in the county of Down, are paid up to the amount of the rental of the proprietors, because there has been since the peace, a very general practice on the part of several landed proprietors there, to reduce the rents of the tenants at the period of receipt, still holding over the tenant the rent which he is bound to pay under the lease by which he holds his land, so that the rental of the landlord would necessarily be the amount of rent reserved in the lease; I meant to say, that the rents which the landlords have now assented to take, are regularly paid.

Making allowance for the habit of the tenant keeping back a half year's rent?—That I consider a matter of course.

You mean, that the rents are paid with such regularity, as to make land in the county of Down, good security for mortgage?—Yes.

By what tenure do the occupants of land in the county of Down, generally hold the ground they cultivate?—Until it became an object with landlords to create freehold interests in the county of Down, the general lease was for three lives, or thirty-one years; since that period, landlords only make leases for one life, or twenty-one years, and that life is in general, some one of the Royal Family.

When you speak of twenty-two years purchase as the general price of land in the county of Down, do you speak of land in fee-simple?—Certainly.

Do you apprehend that that is the price of land in England?—I would suppose, from any thing I have understood, that a great deal in the price of land in England would

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would depend upon the locality of it, precisely in the same way that it does in Ireland. I have understood, I do not know whether I have been wrongly informed or not, that until lately, the price of land in England was not so high in general as in the county of Down; I have lately been informed decidedly the reverse; I have no means of knowing, but since I have begun to make enquiry about it, I have found that the impression that I had laboured under before, was a very erroneous one.

Do the occupants in the county of Down generally hold directly from the proprietor of the fee, or from intermediate tenants?—Most generally, they hold directly.

Have you any idea of the proportion of land held by Roman Catholics, as compared with that held by Protestants, in the county of Down?—I have not; I cannot form any estimate.

Are there any large Catholic proprietors in the county of Down?—There are not; in answering the last question, I understood the Committee to enquire merely as to the land in the actual occupation of Catholics, not as proprietors, but as tenants.

As proprietors?—As to proprietors, I can answer that question at once; I suppose there are not, in the county of Down, more than three; I am not aware, at this instant, of more than two Catholic gentlemen, who, I have ever understood, said they had, or presumed they had, any pretensions to be upon the grand jury in right of their property.

Do you know the extent of their property?—One of them has about 900*l.* a year; the other has about 3,000*l.* a year.

Do not you think, that if gentlemen of about 900*l.* a year were placed upon the grand jury in the county of Down, there must be at least 100 or 150 Protestant gentlemen, who would be qualified by that rate of property?—I am sure there are more; I am not aware of any gentleman in the county of Down being put upon the grand jury, as representing a property merely of 900*l.* a year, nor as perhaps representing a property of three times 900*l.* a year.

Has the gentleman to whom you have alluded as possessing a property of 3,000*l.* a year, been accustomed to be upon the grand jury?—He has been upon the grand jury at every assizes when he attended.

What is his name?—Mr. White.

You have stated, that you have observed those lands which have been subdivided, for the purpose of making freeholders, to be in a very different condition from the lands which are not subdivided?—Yes.

Will you state in what that difference consists?—With regard to the appearance of the lands themselves, in point of population; with regard to the respectability, in point of station, of the persons occupying; with regard to the appearance of comfort that the tenants have in their mode of living, and their mode of dressing; and with regard to the stock of cattle that they have.

All of which are greatly in favour of those lands which are not subdivided?—All; there is this, however, that I have to observe, that the class of freeholders of whom I speak, as tenants in fee, in general hold larger portions of ground than is assigned to a forty-shilling freeholder by the landlord; not much larger in many instances.

Are you acquainted with the habits of the people in the county of Down; have you visited their habitations?—I reside almost constantly in the county of Down, and am acquainted with every class of people in it.

Do you find, that the habitations of the farmers in the county of Down have that species of destitution of comfort and furniture, that is described as peculiarly characteristic of an Irish cabin?—In speaking of farmers in the county of Down, I would be obliged to say, in regard to our part of Ireland, that we have scarcely any such class of people as farmers; but speaking of persons who hold from eight to ten, or to twenty acres of ground, they are very far from the want of the usual furniture that a person would expect in the house of a person in that situation.

Are the holders of land divided into two kinds, the occupiers, and what are called cottiers?—The occupiers of ground, that is, the direct tenants of the owner, in fee, in general have labourers employed, to whom they assign a house and garden, and perhaps a small portion of ground, to raise potatoes and flax.

Will you describe the impression upon your mind, of the habitation of one of those farmers; persons who combine the character of farmer and manufacturer?—The house of a person who possesses ten or twelve acres of ground, that is, of the least

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least comfortable of them, in general consists of three apartments; the kitchen, which is immediately entered upon going into the door; at one side a room, in which the younger part of the family in general sleep; at the other side, another room, of a considerably better description, which is occupied by the master and mistress of the family; and in the kitchen, a loft over part of it, in which the servants sleep.

That, you say, is the habitation of the least comfortable part of that sort of farmers?—I think so.

The habitations of the better class of people, composing the yeomanry of the county, are very superior indeed?—Very superior.

In those inferior habitations, have you perceived a want of the common utensils of furniture?—No; I think that in a great number of them there is rather a superabundance of it; many persons, in that situation in life, accumulate furniture from time to time, for which they have not actually any use themselves at the present moment, but for the purpose of having it to dispose of, upon the settlement of any part of the family.

Have they generally beds?—Yes.

Have they bed-clothes?—Yes.

Do they allow their cattle or pigs to come into the house?—Certainly not; we should be very much surprised if we saw any thing of that sort, in the County of Down, among the persons I have described.

This is among the inferior class of farmers?—Yes.

They have every kind of utensil for dressing their victuals?—They have.

They have dressers?—They have.

And knives and forks?—I am not sufficiently acquainted with some of them to say whether they have or not; but I do not recollect, with the exception of very few, that I saw any wanting.

You think they are not without that degree of comfort which belongs to their situation in life?—Yes, I do.

Have you been in the south of Ireland?—I never have.

Are those habitations furnished with doors, windows and chambers?—They are,

Are the windows glazed?—Glazed windows, but generally not windows which open.

How are the floors; what are they made of?—A boarded floor is unusual in the houses of the description of which I speak.

Are the floors of earth?—Of a composition, I believe, in general, made of lime, and earth and ashes; some kind of composition, certainly not the mere earth of the ground on which the house stands.

Not paved with brick or stone?—No; but the composition is as perfectly dry as brick or stone.

The persons whose situation you have been describing, are chiefly small farmers and manufacturers?—The manufacturers, I think, in general, have not so much ground as that which I have been speaking of.

The condition of the labourers under those people, is of course very different?—It is very different certainly.

Do you perceive that their habitations are destitute of that degree of comfort which belongs to every civilized being?—Many of them are.

Is there regular employment given to those cottiers in the county of Down?—Yes, there is.

How are their wages paid; are they paid in money regularly, or by agreement with persons from whom they rent their land and house, to work at such a price for the house, and to receive provisions for the remainder?—The cottiers are in general weavers; they are bound, when they take their house and garden from the landlord, to work for him a certain number of days in the year, at a certain rate; if he employs them more than that number of days, he must employ them at whatever rate he can agree with them for.

Does he pay them in money regularly?—I know instances of their not being paid in money; but the general practice is, with persons in a respectable situation amongst the farming class, to pay them in money; the practice amongst others is to give them meal and potatoes, as well as money.

What is the usual food of the lower orders of people in the county of Down?—The principal food is oatmeal and potatoes.

A mixture of them both?—No.

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Some days oatmeal, and some days potatoes?—No; I should rather say, every day oatmeal and potatoes.

Have many of them milk?—Many of them; it is a common practice in the county of Down, for the cottier to make terms with his landlord for what he calls the run of a cow, that is, liberty to keep a cow on the land of his employer.

Do you think there are many persons in such a situation in the county of Down, as to be without any other food than that of potatoes and water?—I think there are some parts of the county of Down, in which there are persons in that situation.

Do you think they are in any considerable number in that case?—I think in the mountainous parts of the county of Down they are.

Do not you think the majority of the people in the county of Down, may be in the situation of seldom or never tasting any thing but potatoes and water?—No, I do not; I think quite the contrary.

Should you speak as favourably of the condition of the peasantry in the country between Dublin and the county of Down as in the county of Down itself?—After I passed Newry, I would not speak so favourably; that is, between Newry and Dublin: the state of the lower class of people between Newry and Dublin, I take to be inferior, in point of comfort, to that in the county of Down.

Does that inferiority begin at Banbridge?—I think between Banbridge and Newry they are not so comfortable as in the county of Down, near where I reside.

Does the best description of small farmers ever eat animal food?—Yes, very frequently.

Wheaten bread?—No; I think that very lately, within these last two years, wheaten meal has come into much more general use than it was before; the farmers find that they can obtain a better price for their oats and their corn, than they can after it has been ground into meal; and in consequence of that, the millers in the country are now in the habit of making a coarse meal from wheat, which is getting into pretty general use.

Have you been to the south of Dublin at all?—I never was, but for a very short time in the Queen's county.

Have you been in Connaught?—No, I have not.

What covering is there upon the roofs of the habitations of the cottiers in the county of Down?—The covering of cottier houses is straw thatch.

Not what they call scraws?—Not at all; the roof is first formed with the coarse bog timber; in general across that they put a lathing, and then what they call a scraw, and after that the thatch.

What is the expense of constructing the habitation of one of the inferior class of farmers?—I suppose the house alone might be put up for about 25*l.*, a house of the description which I have mentioned.

Are there many in the class of farmers, that have slated houses?—Very many; almost all the houses that have been put up in the county of Down, for the last four or five years, are covered with slates; and it is a general practice, upon one or two estates, for the landlord to give credit to the tenant out of his rent, some landlords 5*l.* some 10*l.*, whenever they build a slated house upon the land.

What would be the quantity of land a man would hold, who would build himself a slated house?—About ten acres.

What would such a house cost him?—I suppose it might cost him about 35*l.*

Would that man be simply a farmer?—Many of them are weavers, besides being farmers.

Do you mean to say, that a man with ten acres of land would build himself a slated house, having no other means of subsistence than the profit of that ten acres?—I have no doubt there are many, who build houses of the description I have mentioned, who have not any thing but the profit arising from the land; but they have built under those circumstances, of the landlord's allowing them a certain portion of their rent, in consideration of their doing it.

Upon a twenty-one years lease?—One life, or twenty-one years.

The house you have described; is the house of a man possessed of eight or ten or twelve acres of land?—It is; but many persons possessed of only eight or ten acres of land have very much superior houses, have very comfortable houses; many persons possessed of ten or twelve acres of land in the county of Down, may be worth from 1,000*l.* to 1,500*l.*

You have been in the county of Antrim?—I have been frequently in the county of Antrim.

Would

Would you consider the statements you have made, as to the condition of the people in the county of Down, to be applicable in the same degree to the whole of the county of Antrim?—I should conceive the state of the people in the county of Antrim was not so favourable as in the county of Down.

Do you say that upon good authority?—Upon merely casually going through it; I cannot say it upon any other ground.

Do not you conceive there are many districts in the county of Antrim much superior to any thing in the county of Down?—There is one district in the county of Antrim, I have never happened to have been in; that, I understand, is very superior.

Have you not observed great anxiety in the lower classes of Irish to have a very long tenure in their land?—They are very desirous of it.

Would an Irish farmer accept a fourteen years lease, without a life, or think it of any value?—I do not think he would attach much consequence to a lease of that description.

You are aware, that in England there is a great deal of land held upon fourteen years, and shorter periods?—I have understood so.

Does there exist, what might be described as extreme penury and misery, amongst the lower orders in the county of Down?—I spoke of one part of the county of Down, the mountainous part, in which I have stated there is; but as to any other part of the county of Down, I should not say there are frequent instances of it.

Why do you conceive that a farmer would not attach much value to a lease for so short a term as fourteen years?—The subject, I suppose, has never been taken into consideration by the farmers themselves; I merely give my own impression of what it is probable they would think; the farmer, I would conceive, who had so short a tenure as that, would be very likely not to improve his ground in the kind of way that he would, if he had a longer tenure; it consequently would not be so productive to him, and he would be unable to pay so high a rent, and besides that, the landlords in the county of Down in general, do not make any allowance to the tenants for keeping in repair any of the houses or buildings of any description that are upon the grounds.

Do you conceive that the tenant has not sufficient confidence in his landlord, to think that if he were to make any improvements upon his farm, there would be any fair consideration made to him for those improvements, at the expiration of his term?—I think the general impression would be, that the tenant would be apprehensive that he would have to pay for his improvements, and that the value of his farm, so improved by him, would form the basis of the ensuing contract between his landlord and himself.

Do not you conceive, in a farm of four or five acres, that the tenant would derive ample re-payment in the course of 14 years, for any improvements which he could make upon so small a quantity of ground?—Upon a farm of that description there are scarcely any improvements made.

You mentioned tenants, of from 8 to 10 acres, who had property to the amount of 1,000*l.* or 1,500*l.*; are they weavers chiefly?—Some of them are, and some are not; they are persons, whose lands were let antecedent to the commencement of the high rents, who have availed themselves of the opportunities afforded them by the high prices, and who did not improve their mode of living in consequence of their increased incomes, but saved the money that arose from it.

Do you mean, that you know instances of persons that have saved that fund simply out of the profit of farms of 8 or 10 acres?—I do.

Without the profits of trade or weaving?—Yes.

How do they usually employ that capital?—They generally have the money lent, and receive the interest upon it.

How a long a time has it taken to accumulate to so large a sum?—I cannot really say; I have known individual instances, where it has been accumulated in the space of 8 or 10 years; it does not arise from the mere profits they make of the ground, but it arises from the accumulation of those profits, from their not spending one farthing of whatever they have saved, but increasing it.

Are you acquainted with the state of the county of Armagh at all?—I cannot say that I am. I have been frequently in the county of Armagh.

Does it correspond in appearance with the description you have given of the county of Down?—It does; any portion that I have seen.

Have you acted as agent for any clergyman?—I have.

To whom?—To the Dean of Down.

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Does the Dean's property, as Dean of Down, consist of land or of tithe?—Entirely of tithe.

Are those tithes annually let out by a new contract every year, or is a composition made, which generally binds the two parties, for the term of the incumbency?—The Dean of Down was presented to that living, I think in 1817, and upon his induction into it, agreements were made with the majority of the people, for five or seven years; those agreements had not expired, when I resigned the agency, that is in 1822; what may have been done since, I cannot speak positively about, but I am inclined to think, that the agreements that have expired, have been renewed for similar terms, and not made to continue during his incumbency.

Have you ever heard any dissatisfaction expressed by the landholders in Ireland, upon the subject of tithes, within your experience?—I have very frequently heard complaints on the part of the farmers.

Have there been complaints against the Dean of Down, for his terms?—The occupiers of the ground in the district, the tithes of which belong to the Dean of Down, had been holding under agreements made with the former Dean of Down in general, about the year 1789; and there is consequently in the agreement made in 1817 a very great increase, and there would therefore be very considerable complaints on the part of the farmers, but there have not been complaints against the Dean of Down, that he lets his tithes at too high a rate.

What is the general system of letting tithes in the county of Down; is it by annual contract, or by composition?—It is more general for the clergymen to have agreements made during their incumbency.

Which is in fact a composition?—Yes.

Has not that plan always led to a good understanding between the parishioners and the clergy?—It has.

Can you state what the rate per acre is, of those compositions?—I suppose the average rate per Irish acre, in the deanry of Down, may be about 3*s.* 6*d.*, that is, not for the land in cultivation, but for the entire holding for which a person pays tithes.

Does that composition of 3*s.* 6*d.* per acre distinguish between the crops which the land bears?—No, it does not.

It is a general composition upon the whole land?—It is a general composition upon the whole land; and the tenant who makes a composition of that description is bound to pay that, even if he have not any crop at all.

Where compositions are not made, is it within your experience to say, whether there is any charge of tithe for potatoe?—There have been attempts in the county of Down, to charge tithes for potatoe.

Have those attempts been successful?—Never.

Is there any tithe upon hay?—There is.

Any tithe upon flax?—Yes.

A *modus* rather?—No, a tithe.

What is the tithe?—One-tenth.

What is the general rate for wheat per acre?—I suppose the best quality of wheat may be estimated at about 16*s.* to 20*s.*

Is that the Irish acre?—The Irish acre.

Upon oats?—Upon oats, I suppose the best quality may be about 10*s.* 6*d.* to 12*s.*, that is the very highest; I suppose the general charge for oats may be about 7*s.* 6*d.*, the general charge for wheat about 12*s.* 6*d.*

Barley?—Barley in general, about the same as oats.

Is that charge of tithe made upon those lands, the rent of which you have stated is 30*s.* a year?—Yes.

When the tithe is valued by the clergyman, where there is no composition, is the tenant aware of what value is put upon it, before the crop is cut?—He may be aware, if he please to apply to the agent of the clergyman; there is not any notice given by the person who views the tithe, to the occupier of the ground, of the value he puts upon it.

Does it ever happen that the tenant, by having cut his crop, and removed part of it, is compelled to pay a value, which he was not at all aware was put upon it before?—That must necessarily arise, if he had not made an application to the agent to know what the valuation is.

If he makes application, is he sure of being told?—Uniformly, as far as I have ever been able to discover.

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Are not the tithe tenants perfectly aware, that if they do not apply to the agent, they subject themselves to the difficulty stated?—They must necessarily be aware of that.

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Is the contract for the tithes generally made, when the crop is standing?—No, I do not think the tenant chooses to make the composition at that time; the tenant I think, in general, prefers to have his crop cut; in order that he may better judge of the value of it; the clergyman, in general, does not view it at that time, he views it as shortly before it is ripe and ready for cutting, as his viewers can make it convenient.

Is there any difficulty in the tenant giving notice to the clergyman, to take his tithe in kind, in case he were not satisfied with the value put upon it?—That a legal difficulty exists of giving notices properly, I think must be admitted, but I am not aware of any instances of a clergyman, unfairly taking advantage of any want of technicality in the notice that is given to him.

Practically, are those notices often given; does it frequently occur that a person being dissatisfied with the valuation, does give notice to the clergyman, or to the holder of the tithe, to take it in kind?—Speaking of the deanry of Down, there were not, during five years that I was agent, more than about twenty notices served upon the viewers of the Dean to draw, tithe-compositions were made upon the valuations given in by the viewer to the agent; there is a district of country near where I live, that there is now a very great deal of difficulty in managing the tithes of, and there great numbers of notices have been given by combination among the landholders, and a great quantity of tithe that the clergyman should receive, has been refused to be taken by him, under an allegation that the notices had not been properly served.

What has been the result?—There have not been any legal proceedings yet taken on either one part or the other.

When did those cases happen?—Last crop.

By combination, what do you mean?—I mean, that the landholders in the entire parish have come to a resolution, with at least very few exceptions, that they will not individually make agreements with the rector, unless an agreement be made by him, with the parish at large.

Were those notices given without reference to any objection to the value put upon the tithe, or were they given in consequence of an objection taken to the value?—I do not think that the actual value of the tithe was ever taken into calculation, for I am perfectly convinced that the demand the clergyman made is less than the real value of the tithe; but the entire parish had been leased about the year 1796 or 1797, by the then rector; his incumbency continued until immediately before the last autumn, and the then occupiers of the ground, I mean in 1796 and 1797, had availed themselves of the disturbed situation of the country, and had made agreements with the rector for his incumbency, for so low a sum as about 340*l.* or 350*l.* a year. I suppose the fair value of the tithes of the parish, I should not say the fair value, but the extreme value of the tithe, would be at least 2,000*l.* a year: and I would suppose that the fair value of the tithes would be from ten to twelve hundred pounds, calculating the fair value upon the usual principle which is acted upon in that part of the country.

From your general experience can you say, whether in practice, in the event of an occupier of land thinking that the valuation put upon his tithes is too high, he finds any difficulty in giving notice to the tithe holder to take it in kind?—That he would practically find a difficulty, if the tithe owner were inclined to avail himself of it, I have no doubt; but as to his practically finding a difficulty in the part of the country I am acquainted with, as far as regards the clergyman, I do not think there are more than very few instances of practical difficulty arising.

When you stated, there was a combination for the purpose of producing a composition for the tithes generally in the parish, did you mean a composition under the Tithe Bill?—No.

What amount did this clergyman demand?—Only a thousand a year.

You think the extreme value was two thousand a year?—I think that the full value of the tithes would be 2,000*l.* a year; and I think that if the tithes of the parish were let in the same way that other lettings are made by other clergymen, that it would be fairly from ten to twelve hundred a year.

What do the parish offer this gentleman?—640*l.* or 650*l.* the double amount paid to the former rector, which he refused to take.

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Do not you think, that that question will be settled to the satisfaction of all parties, in the course to which it will be referred?—As to its being settled to the satisfaction of all parties, I can scarcely conceive that likely to ensue; but that it will not be settled at all without great litigation, I have no doubt.

Are agreements, respecting tithes, generally made between the clergyman and his parishioners, or between the clergyman and a tithe proctor?—I am not aware of any clergyman letting his tithes, except to persons bound to pay them, I mean the landholders; I know it does not exist in the county of Down; and I have not heard of it in the north of Ireland.

What do you wish the Committee to understand, by the fair value of the tithe?—I endeavour to explain what I meant by it, in the county of Down, I would call the fair value of tithe, about the one-fifteenth in place of the one-tenth, in using the term. When I stated, that 2,000*l.* a year was the value of the tithes of the parish of which I spoke, I meant that that was the full value of the tithes, or about the full value of them, if they were drawn and sold.

You have stated, that the tithe on the land of the best quality, producing wheat, is about 16*s.* to 20*s.* the Irish acre?—That is taking it generally.

What might be the value of the produce of such an acre of good land, in wheat?—The quantity of produce might be about 25 cwt. at 112 lbs. each.

What might be the quantity of oats, upon which you have stated the tithes at 10*s.* and 12*s.* produced by an acre of the best land?—With regard to the produce of oats, I am not prepared to give an answer.

What is the value of 112 lbs. of wheat, at the present prices?—At the present prices, I suppose about 15*s.*

In that space of time, which you state the incumbency of that clergyman continued, from 1797 or thereabout, down to the present time, in what proportion do you apprehend, the advance of rent in the county has been; has it been more than doubled?—No, I do not conceive that it has.

Then, do not you conceive, that the proposition made by the parishioners, to double the value of the tithe, which was fully equal to what was then exacted by the landlord, in doubling the value of land, was a fair proposition to the clergyman?—In the abstract, a person would suppose that to be fair; but in the particular case to which I allude, it will not be at all fair; because the part of the county, in which that parish was situated, was exceedingly disturbed at the time that that agreement was made with the clergyman; the clergyman was a perfect stranger to them; he came from the county of Wexford; he had not any influence, and they availed themselves of the opportunity, which the commotion of the country afforded them; and in consequence of that, they got an agreement made, as I suppose, one-half of what, even at that time, the clergyman would have been entitled to; and the clergyman afterwards instituted proceedings in the court of Chancery in Ireland, for the purpose of getting rid of the agreement, under an allegation of its having been made through coercion; and that he was obliged to submit to it, from the peculiar circumstances of the country, at the time he made it.

What was the nature of the disturbances existing at that time?—Antecedent to the rebellion in 1798.

Were there disturbances in the county of Down, antecedent to the year 1798?—There were not; but I am inclined to believe, that the confederation, previous to those disturbances, had been carried on as extensively, in parts of the county of Down, antecedent to that period, as in any other part of Ireland.

Did it ever break out into actual disturbances?—Not that I have heard of; it is a thing of which I cannot positively, from my own recollection, say anything.

Had those disturbances any reference to the question of tithes?—They were disturbances arising from the society of United Irishmen; there were several engagements in the county of Down, between the King's troops and them; and almost the entire population of that part of the country were said to be United Irishmen.

In what year did those engagements take place?—I think in the summer of 1797, or 1798; I am not certain as to the date, I think 1798.

Were the United Irishmen generally Protestants, or Catholics?—I really cannot say, I have no experience on the subject from my own knowledge; I have heard a great number of opinions expressed by different persons upon it; this however it is necessary for me to say, that that portion of the county respecting which I speak, is almost entirely without Catholics.

And was equally so at that time?—Yes; more so at that time than it is now.

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You mean that district in which the system of United Irishmen was prevalent?—No; the particular parish of which I speak.

Are you acquainted with the mode of administering justice at quarter sessions and petty sessions?—I have attended the courts of quarter sessions ever since I was a practising attorney; about 15 or 16 years.

Is it your opinion that the people have great confidence in the administration of justice at quarter sessions?—I think the people in the county of Down are perfectly satisfied with the administration of justice at the quarter sessions; and I think they have a right to be perfectly satisfied.

Do the magistrates assist the assistant barrister at the quarter sessions?—The magistrates attend the quarter sessions very frequently, and sit with the assistant barrister; but it does not frequently happen that they interfere.

Have you practised in the court of quarter sessions?—I have.

Do you think that it is a good system to leave the whole administration of civil proceedings in that court, to one single person, the assistant barrister?—With regard to civil proceedings in the court, I conceive that it would be almost impossible, if there were the intervention of a jury, as in the superior courts, that they could get through the great quantity of business that they have to do; the court already has the power of impanelling a jury upon any question that they please.

Has the assistant barrister often had recourse to impanelling a jury, in your experience?—He has always had recourse to it when requested by the parties.

What would be the objection to trying all civil causes by a Jury?—The length of time it would take would be one very great objection; and the very great difficulty that would arise in having a jury always to hear them, from the multiplicity of cases that come before the assistant barrister, the probability is, that in order to have a disinterested jury, he would have to swear a new jury, perhaps every half hour.

Have you heard the parties concerned in civil process in those courts, complain of the want of a jury?—I have not.

How many civil bills, on an average, are generally tried in the court of quarter sessions?—I suppose there may be about 350 tried, and from 5 to 600 entered; I speak of the quarter sessions antecedent to the repeal of the stamp duties.

Where are those quarter sessions held?—At four different places in the county; at each of those places the sessions is held twice a year.

Do you mean to say, there is that number at each of those places?—I do.

What is the greatest number of civil bills you ever recollect to have been tried at one quarter session?—Not more than 400.

In one day?—No; in general, I think, there may be about 100 tried in one day.

Do you think it would be possible to get through that mass of business, if a jury was impanelled in each case?—I think it would be quite impossible, and I think very great difficulty would exist in having a jury.

What is your opinion, as to the mode of carrying the decrees upon those civil bills into execution?—The only ground of complaint that I have heard, respecting the carrying of decrees into execution, is, arising from a doubt whether an Act of Parliament that was passed in the 31st year of George the Third, applies to decrees made at quarter sessions; that was an Act providing, that no decree should be carried into execution after sunset, and that no property should be sold under a decree, without giving four days notice of the sale.

Is it the practice to fill up the warrants for carrying those decrees into execution, with the names of the persons in whose favour the decree has been given?—In the county of Down it is not at all the practice.

Does not the assistant barrister invariably oppose himself to that plan?—The question has never arisen in the county of Down, but the assistant barrister has not any control upon that subject. The assistant barrister signs the decree; it is given to the party, and the sheriff is waited upon afterwards for his warrant.

What has been the effect of those two Acts of Parliament which have been passed since the year 1817, giving to landlords a more summary mode of ejecting tenants under 50*l.* a year rent?—I conceive that the provision is a very advantageous one, both for the landlord and the tenant.

Has it been attended, in your part of the country, with any acts of oppression on the part of the landlord?—It has not; it has given rise, however, to a practice on the part of some landlords, from the very little expense that attends the merely serving the process upon the tenant, to avail themselves of the right of proceeding against him at quarter sessions, to enforce the more immediate payment of their rents.

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How do you conceive it to be advantageous to the tenant to give the landlord this summary process?—Where the interest of the tenant is worth redeeming, he incurs much less expense by not paying his rent at the period he ought to pay it, than he would have incurred otherwise.

Before those Acts were passed, practically speaking, did a landlord ever attempt, in consequence of the great expense to which he was exposed, to eject a tenant whose rent was of small value?—It did not often happen that he did for non-payment of rent.

Was not the consequence of that, great waste and devastation of small tenements?—The remedy that was usually taken by landlords against small tenants, for the recovery of rent, was either by distress, or by suing them at quarter sessions, and obtaining decrees against the persons.

Did not the expense of that process amount to between twelve and sixteen pounds?—Only seven or eight shillings.

What was the expense of ejecting a tenant?—The expense of ejecting a tenant, antecedent to the alterations that were made in the law, by which the fees of the officers of courts of justice were done away, was about 18*l*; the expense now, in consequence of the alterations that have taken place, is not more than about 11*l*.

The expense of ejecting a tenant now, under 50*l*. is only one guinea?—It comes to about 2*l*. at quarter sessions; but the costs in the superior courts are about 11*l*.

In the mode of transacting business at quarter sessions, as far as you are acquainted with it, is there considerable hurry and press of business during the whole of the quarter sessions?—I have not been at any session, except the sessions for the county of Down; there I have not seen any instances of the business being done in a hurry, except upon the last day of the sessions, when the assistant barrister is obliged to get all his business finished, in order to attend the sessions in the next sessions town.

Does the assistant barrister in the county of Down practise in the superior courts in Dublin?—He does.

Do you conceive that any peculiar press of business, or dispatch of business, has occurred, as far as as you have been able to remark, in consequence of the assistant barrister practising in Dublin?—I have not been aware of any. I think, in general, the assistant barristers in Ireland, as far as I have been able to discover, are persons who have not extensive business in the superior courts.

Have you ever known it happen, in consequence of the assistant barrister being not only a judicial officer in the county, but also a practising barrister in Dublin, that he has been concerned as barrister, in cases which afterwards came before him as judge?—I do not see how it could well arise; I am not aware of any such cases having occurred. On this subject, there are several difficulties, which the court of quarter sessions labours under, to which I think very material, and remedies, in no way prejudicial, might be applied; there are several powers that the court of quarter sessions want.

Will you state what those are?—The first objection that I have to the power of the assistant barrister, as it stands at present, is, that he has not any authority to award expenses to any witnesses who are brought forward by the parties suing, or by the parties defending; the consequence of that is, that it not unfrequently happens, that the expense of bringing witnesses, and keeping them for a day or two at sessions, amounts to more than the sum that the man originally sued for; the usual way of doing business at the quarter sessions, is, to have all the causes entered into the book of the clerk of the peace, and leave to the discretion of the party plaintiff, the period of the sessions at which those causes will be brought on; so that the party defendant cannot be at all aware of the time at which he should be prepared to go into his case; he is consequently obliged to have his witnesses there, from the commencement of the sessions, keeping them there at a considerable expense; and he cannot get, by any order of the assistant barrister, any compensation for this.

Is there any other suggestion you would wish to make to the Committee, with respect to the court of quarter sessions?—The counties are at present divided into two districts, with some exceptions; and those districts have each two sessions towns; it is competent to the party plaintiff to select either of those two sessions towns, that he pleases to summons the defendant to; it is a very general practice on the part of plaintiffs, to summon defendants to that town which is most distant from them; now that might very easily be remedied by making another subdivision; in many instances, defendants have been brought in the county of Down, as far as twenty-five miles, when, perhaps, there is a sessions town within eight or ten miles.

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Are there costs given to either of the parties, in the event of a suit being determined?—The assistant barrister has the power of awarding certain costs limited by the Act of Parliament.

On whom do you mean he should make an order, for the payment of the expenses of witnesses?—Against the party defeated in the cause.

Would not that expense be included in the costs, allowed after the cause is determined?—The assistant barrister cannot, at present, award any costs except the fees paid to the attorney, clerk of the peace, and barrister.

Have you any other suggestion to make upon this subject?—The repeal of the Stamp duty upon civil bill processes has tended monstrously to increase the business in the quarter sessions court; a person, who either has, or thinks he has a claim against any defendant, may, as the law stands at present, summons the party to the court of quarter sessions, without any expense whatever; it is not necessary that the process should be signed, either by an attorney, or by any officer of the court; and the only thing that a plaintiff has to do, is to write himself, if he pleases, a summons in the form that is prescribed in the Act, and serve it upon the defendant; that necessarily brings the defendant to attend at the quarter sessions, and the only thing that the assistant barrister can do to punish that practice, is to award the costs of the dismissal against the party plaintiff, which does not amount to more than four shillings and a halfpenny; and if the party plaintiff chooses, previously to the last day of the sessions, to serve a notice upon the defendant, that he does not mean to proceed with his process, the assistant barrister can only award the defendant the sum of 1*s.* 7½*d.*; so that the plaintiff may, if he pleases, over and over again, bring a person who is not at all indebted to him, to the court of quarter sessions, and put him to a very great deal of expense, at the cost to himself of only one or two shillings.

Would you suggest as a remedy for that, the giving a larger discretion to the court as to costs; or how otherwise would you collect it?—I think giving the court power to award the expenses of witnesses, would tend very considerably to prevent that; the sessions continue in general from four days to a week; and a defendant may consequently be kept attending, from the first day of the sessions to the last day of the sessions.

In the civil court, is the process served by an officer of the court, or by the parties?—By any person employed by the parties.

Does any inconvenience arise from that?—It is impossible it should be otherwise.

Does not considerable inconvenience arise, owing to the class of persons who served those processes; is there any remedy for their perjury?—There is only the common remedy for their perjury, a prosecution.

Is not it very difficult to obtain evidence of that, in the court of quarter sessions?—I am not aware, that any greater difficulty exists in procuring evidence to prove false swearing in that court, than in any other. One great objection to the court of quarter sessions, as at present constituted, is this, that the assistant barrister is obliged to do what is not done in any other court, that is, to administer an oath to attornies practising in that court, at the commencement of every sessions, that they have not taken, and will not take more than the fees that are prescribed by the Act of Parliament; the consequence of that is very generally, to keep from practising in those courts persons in that situation in life who would otherwise practise in them.

How does it produce that effect?—As a professional man, I myself conceive it to be a very humiliating thing for an attorney to be obliged, in open court, to swear at the commencement of every sessions, that he has not been, and will not be, an extortioner; it is a practice that does not exist in any other court; in other courts the attorney is obliged, at the time he is admitted an attorney, to take the oath generally, and I cannot see any reason for this practice existing in that court, more than in any other court. That it has the effect of preventing many persons of respectability from practising in the court, is quite certain; and it is proved by this very distinctly, that many attornies of respectability practise on the crown side of the court of quarter sessions, and will not practise on the civil side of it.

Are not the fees very low also?—The fee, I think, is too low; the fee that an attorney receives upon a common civil bill process, the entire amount of it, I think, is 1*s.* 7½*d.*

Is not, in fact, then, the absence of the respectable higher class of attornies owing also to the inadequacy of the fee?—I think it may be partly owing to that; but I should conceive, that a great number of persons in a very respectable situation in

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life, young men commencing business, would be induced to practise in the court of quarter sessions, for the purpose of acquiring information, and increasing their connection in the county, even if the fees remained as they are, provided the oath was done away.

You think the oath discourages the respectable attornies, more than the smallness of the fee?—I think it does.

Do not you think that raising the fee, by giving more respectability to the character of the practisers, as well as by preventing vexatious suits for very small sums, or speculative suits taking the chance of recovering debts, would add to the respectability of the court, and also diminish the litigation?—I mentioned before, that I conceived the case of suing in the court is too great; I know that since the repeal of the Stamp duties, some persons, extensively in business, have served as many as 500 processes at their own suit. Great difficulty exists from the manner in which the records of the proceedings at quarter sessions are kept; the record merely contains the name of the parties, the witnesses examined, and the sum decreed; it does not state what the cause of the suit was; if it did state that, it would be a very important thing for the public, because the judgment would afterwards serve as evidence in any other court; but as the law stands at present, in consequence of there being no record of the cause of the suit, the person may be sued again for a debt subsisting at the time the first action was commenced against him. A man may sue for 10*l.* for goods sold and delivered; there may be 20*l.* really due to him at the time, but the Act of Parliament prohibits splitting the cause of action, and directs that a judgment obtained in that court shall be conclusive of all dealings between the parties, upon the subject of the suit; the party defendant has not, from the want of a record, any opportunity of pleading that judgment afterwards. There is another regulation which, if it could be brought into the court of quarter sessions, I think would be a material advantage, as well to the parties interested as plaintiffs, as to the defendants, in consequence of a less expense being incurred; it is, if ease were given for the recovery of debts due to bankrupts' estates; as the law stands at present, it would be open to any person sued by the assignees of a bankrupt, to put the party to the expense of proving the commission of bankrupt, the assignment to the assignees, the trading, and every thing of that kind, by merely serving a notice upon the party, requiring him to prove it. Now it would be very easy to alter the law in that respect, by providing that the production of the commission, and the Gazette notice of the appointment of the assignees, should be held sufficient evidence of the trading, the act of bankruptcy, and the assignment. There is a difficulty exists upon the party plaintiffs, with regard to the recovery of the amount of decrees, which is this, that a decree cannot be renewed by the plaintiff, except at the sessions held at the division in which the decree was originally pronounced; now no injury could possibly arise to the public, from giving the plaintiff the power of renewing it at any sessions in the county; there is, however, a considerable objection to the renewing of decrees at all; the plaintiff has the power, at any time within six years after obtaining a decree, to come into court, and without giving any notice to the defendant, of making an affidavit, swearing the amount that is due to him upon the decree, and he then gets a new decree pronounced against the defendant; that I practically know has given rise to a great many frauds.

You are the agent for the Northern Bank in Ireland?—I am.

The Northern Bank is established upon the Scotch principle of joint stock companies?—It is.

How long is it since that bank has been established?—It was established under an Act passed in the last session; it commenced on the first of January.

Does it not possess the unlimited confidence of the whole of the north of Ireland?—It does.

Is it not your opinion, that it will be productive of the greatest advantages to that part of the country?—It is.

Have you heard that it is proposed to establish joint stock companies upon a much more extended principle than the company to which you belong?—I have.

Is it not your opinion, that the establishment of those provincial banks will be attended with the greatest advantage to trade, to commerce, to manufactures, and to the internal resources of the country?—It is not only my opinion, but I believe it is the opinion of every person in Ireland, who has given any consideration to the subject.

Professionally,

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Professionally, you have turned your attention very much to this subject?—
I have.

Will you be so good as to give the Committee some information as to the obstacles which exist at present, by the law of Ireland, against the establishment of provincial banks?—It is alledged, on the part of the Bank of Ireland, that under the law, as it stands at present, joint stock companies can only be formed of persons resident in Ireland at a distance of fifty miles from Dublin: that besides the disqualification arising from residence, if any person who even resides at the prescribed distance, be connected in business with any person residing within the prescribed distance, he also is disqualified.

Is there not a law of the Irish Parliament, called The Bankers Act?—Yes; but I am speaking now of the difficulties arising merely upon the Act of last session, the first and second of George the Fourth. As far as the Northern Banking Company is concerned, that allegation of the Bank of Ireland has had the effect of obliging them to put out from their society persons who were resident in England, and who were very desirous to be members of it; it has also had the effect of obliging them to put out a great number of persons resident in the North of Ireland, who held Bank of Ireland stock, canal stock, and stocks of our public companies whose business is done in Dublin.

Would not the effect of that interpretation of the law, be to prevent the introduction of any English capital into Ireland, in a joint stock company?—It would have the effect of completely preventing it, except by loans of money being made by English capitalists to persons embarking in the trade; it would prevent any person resident in England embarking in the trade at all.

Do not other obstacles arise against the establishment of provincial banks, from the nature of the banking laws in Ireland?—There are obstacles arising from the nature of the banking laws in Ireland, which would necessarily prevent many persons embarking in joint stock companies, who would be inclined to do it, if those laws did not exist; but that any practical difficulty arises in consequence of the existence of the Bankers Act, I am not prepared to say; the only practical difficulty that arises in the way of joint stock companies in Ireland, is from a clause contained in the Act, under which the Bank of Ireland was formed, which prohibits any number of persons more than six, from issuing bills at a shorter date than six months; under the last Act the operation of that clause has been limited, and stock companies may now issue bills payable on demand, but they are still prohibited from issuing bills after date, or after sight; and the possession of that power is absolutely necessary for any banking company, to enable them to carry on the business in the way that bankers do.

Does not what is called The Bankers Act, in Ireland, prevent the depositing of money with bankers, upon condition that those bankers shall pay the persons so depositing money any interest?—The law as it stands upon that subject, I cannot say prevents the payment of interest by bankers; the practice is different; bankers do pay interest, but the securities that are given by the banker to the person who deposits the money, are declared void by the Act; the provision that exists, in fact does not create any penalty upon the banker, but creates the chance of an entire forfeiture of his money, on the man who ignorantly deposits his money.

In the case of the failure of the bank, must not the person who lends him the money in that way, utterly and absolutely lose his money?—I am inclined to think that that would not be the case; the opinion of eminent counsel that we have taken upon the subject, does not go any further than this, that the security is void, but that it is doubtful whether the contract that exists between the depositor of the money and the banker may be enforced in a court of law, notwithstanding, if the depositor be able to prove it otherwise.

Do you think that the security of the public against fraudulent bankers, is perfectly obtained by the present bankrupt laws, without allowing what is called the Bankers Act to stand upon the statute book in Ireland?—I do think so; at the time the Bankers Act was enacted the bankrupt laws had not been enacted, a great number of the provisions in the Bankers Act are rendered completely unnecessary by the introduction of the bankrupt laws; there are several provisions in it besides these, which do not exist in any Acts upon the subject of bankers in England.

Have you known any cases of extreme hardship, where the settlements of estates, made by families who have afterwards engaged in banking, have been completely unsettled by the operation of the banking laws?—I have heard, but I do not know of it.

You

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You have stated, that obstacles against the establishment of banks have arisen, both on the part of the Bank of Ireland and the Bank of England; will you be good enough to state what the obstacles are on the part of the Bank of England?—I understand that the objection on the part of the Bank of England is, to a board of management for Irish provincial banks being held in London. I wish to mention, that if the doubts upon the law respecting the introduction of English capital into Ireland, be removed, it would appear to me that it would be very unfair to the Irish banker, if this Irish Bankers Act were not repealed; because his property in Ireland would be bound by all the provisions of it, while the property of the English resident would not be affected by the operation of that Act, in any way whatsoever.

Do not you conceive, that the general interests of society will be as well provided for in Ireland as they now are in England, by leaving it solely dependent upon the bankrupt law as it stands?—I do.

When you talk of the benefit of establishing provincial banks, do you contemplate the persons who establish them giving only limited security, or being only liable to a limited extent?—I contemplate the law remaining in that respect as it is at present, each member of it being liable to the full extent of his property, for the entire engagements of the company.

You stated, that you knew some tenants in Ireland possessing very small farms, who had accumulated so large a sum as 1,000*l.*?—Yes.

With whom do they generally deposit their savings, under such circumstances?—I think, most frequently with their landlords.

Do their landlords give them interest for that money?—They do.

Do you think the establishment of provincial banks, if they have the confidence of the farmers, will induce them to place their money in those banks, if they can receive a moderate interest?—I do. I know a very extensive estate in the county of Down, where the rule of the office was, that no notes should be received in payment except the notes of the Governor and Company of the Bank of Ireland; that rule is now altered, and directions are given, that the notes of the Northern Banking Company shall be received; and I take it that the notes of a joint stock company, formed upon similar principles, will also be received. There is one thing which it is necessary for me to mention, however, as to the remedy of the public against persons residing in England, who invest property in banking establishments in Ireland: it is this, that the law, as it stands at present, does not give an equal remedy against a banker, or a member of a bank who resides in England, as it does against the member of a bank in Ireland. The judgment which would be obtained against a public officer, immediately attaches upon the property of a banker in Ireland; and upon the contrary, it has not any effect whatsoever upon the property of a banker who resides in England.

He must obtain judgment in an English court?—He must; it is a point, however, which is very easily remedied.

“ SUGGESTIONS for amendment of the Laws regulating the Assistant Barristers Court at Quarter Sessions in Ireland.

“ Counties are now divided into two districts, in each of which are two sessions towns. A plaintiff may sue at either sessions town of the district in which a defendant resides; and thus a defendant may be forced to appear at a very great distance from his residence, quite unnecessarily, and perhaps wantonly and maliciously.

“ The expenses incident to summonses, witnesses, notices to produce books and papers, the attendance of plaintiffs when required by defendants, and the service of processes, summonses, or notices, cannot be awarded against the party.

“ The utmost costs recoverable against a plaintiff, are 6*s.* 4*d.* and against a defendant 5*s.* 10*d.* viz.

Plaintiffs Costs:	<i>s.</i>	<i>d.</i>	Defendants Costs:
Process if prepared by attorney	-	0 6	Same, deducting 6 <i>d.</i> for process.
Entering the cause, attorney	-	0 6½	
Do. - do. - clerk of peace	-	0 3	
Attending the hearing, attorney	-	1 7½	
Barrister on decree	-	1 1	
Attorney on same	-	1 1	
Clerk of peace on same	-	0 3	
Sheriff on warrant	-	1 0	

"In consequence of these very small fees, a plaintiff frequently harasses persons upon whom he has not any fair demand. He serves a process on a defendant to appear at a sessions perhaps 30 miles from his residence; this process (now that the stamp duty is repealed) costs only 1*d.* the price of a printed form, which he fills up himself, as it need not to be signed by an attorney; the defendant must either submit to pay the plaintiff's demand, or appear in court; the sessions continue for a week; the defendant cannot tell when the cause may come on. He must attend with his witnesses all the time, and the only costs he can obtain are what he is out of pocket in law fees, as before detailed, and even these the plaintiff may save himself from (by serving notice on the last day of the sessions that he will not proceed) except 1*s.* 7½*d.* the costs of the defendant's attorney's attendance; this the plaintiff may repeat every sessions if he pleases, at the same trifling expense. On the other hand the plaintiff may be harassed. A defendant who is really indebted, frequently makes the experiment of taking defence; employs an attorney at 1*s.* 7½*d.* costs; and then, or even without that expense, and without any intention of referring to the plaintiff's oath, serves a notice requiring the plaintiff to attend for personal examination; with which demand the plaintiff must comply at his own expense, or have his suit dismissed with costs. This frequently occurs, and obliges plaintiffs to withdraw their action rather than submit to the inconvenience.

"I would suggest that the county districts should be further subdivided, which would still leave a plaintiff an opportunity of suing every six months; that the court should have a discretionary power of awarding all expenses actually incurred; that the fees of the attorneys should be increased, and that a stamp duty should be imposed on the process for appearance. The stamp duty might be applied in forming a fund for increase of salary to the assistant barristers, which would be much preferable to the present system of a judge receiving fees and having his income depending on the number of cases he may decide. The increase of attorneys fees, at the same time that it would tend to prevent experimental suits and defences, would induce a very desirable alteration in the class of attorneys practising at sessions, as the want of a fair remuneration for their trouble and loss of time prevents the attendance at civil bill courts, of attorneys who have respectable or even moderate business otherwise; but at the same time I must observe, that even the increase of fees would not have the desired effect, unless the humiliation which attorneys are subject to, of taking in open court at every sessions to swear an oath against the receiving of more than legal fees, be discontinued. The law requiring this oath should be repealed, and that would have a considerable effect with respect to attorneys, even if the fees be not increased; the oath is degrading to the profession; it is not required in any other court; it is not in any way beneficial to the public, not necessary for the suitors protection, as the control which the court has over its officers is sufficient to prevent any improper practice; and the impolicy of the oath is strongly proved by the fact, that in many counties the assistant barristers do not administer it, though bound by the present law to have it sworn before they commence business.

"Decrees of the court may be renewed at any time within six years, upon the oath of the plaintiff, his agent, manager or clerk, without any notice to the defendant. A plaintiff obtains a decree; holds it over; receives payments on account of it; extorts money under colour of it, and is perhaps paid the full amount; and he afterwards, on his oath, or that of any person he puts forward as his manager, obtains a renewal decree for any sum not exceeding the original amount. The defendant has no opportunity of protecting himself, and cannot punish the plaintiff but by a prosecution for perjury, or an action at law, the expense of which is generally beyond his means. This happens often; I know instances of it; and the power thus given to a plaintiff, is not only a hardship on defendants, but it directly holds out inducements for perjury among a class of persons not very unlikely to be influenced by their own interest.

"I would suggest as a remedy, either the taking away the right of renewal, and leaving the plaintiff after three months to bring a new action on the former decree, the expense of which would be a very trifling sum more than the costs of a renewal; or making it necessary that the plaintiff, before obtaining a renewal, should prove the service on the defendant, of a notice of his intention to renew on a particular day of the sessions; and in either case the defendant should only be permitted to prove in defence any fact subsequent to the original judgment.

"The jurisdiction of the court in trover, detinue, assault, trespass, *vi et armis*, actions on warranty, and special case generally, is limited to 5*l.* it might be extended to 10*l.* but on that extension, or even without it, I would suggest that the party should have a right to demand a jury. The intervention of a jury in every case would be very inconvenient; and would render it almost impossible to dispose of all the business of a sessions in a reasonable time; but the right would not, in my mind, be often exercised by suitors, as I have not known of any, and have heard of but few cases of complaint of the want of it. If the right be given, it should be only on the terms of the party serving notice for a jury on the 1st day of the sessions, which would afford an opportunity of postponing jury cases until the conclusion of the common business; and it should not interfere with the present power of the court to impanel a jury in any case when considered to be necessary or proper.

"It frequently happens, that from some fatality, as sickness or absence of a material witness, a defendant cannot properly go into his case, and as the law now is, the court cannot postpone or adjourn it; this is a hardship, and the court should have the power of adjournment in its discretion.

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"The right of appeal is an important one; it is given by the present law, but it is incumbered by a condition that the attorney of the party appealing shall make an affidavit that there is just cause of appeal. This condition almost destroys the right, as it is evident that an attorney must be unwilling to make such an affidavit (and in fact he scarcely ever does) swearing to his opinion, though he may conscientiously think himself right, when his oath is directly in contradiction to the decision of a court in which he practises, and in which the judge also is acting on his oath. It appears to me that no injury could possibly arise from dispensing with this oath, as I think that unnecessary or vexatious appeals are sufficiently guarded against by the present provision, that an appellant shall give security for payment of the amount of the decree, and double costs in case the appeal shall be decided against him.

"The record kept by the clerk of the peace is not sufficiently extensive; it only contains the names of the parties, the witnesses, and the sum decreed; it should contain also the nature of the action, as without that the judgment cannot be pleaded as a bar in any other action between the same parties, which it otherwise could and ought to be, as in the superior courts. A very easy remedy is offered for this; viz. that the clerk of the peace should keep and file every process on which a decree may be pronounced; the doing this would give very little trouble and no expense, as it is already provided that the process shall state the amount and nature of the plaintiffs demand.

"It appears from the Irish Act, 35 Geo. 3. c. 25. establishing the assistant barristers jurisdiction, that it was the intention of Parliament to extend to that court the several antecedent statutes respecting civil bills at assizes; but considerable doubt exists whether this intention has been carried into effect, and questions arising on that point have been decided by different judges in a different manner, particularly as to the Act 31 Geo. 3. c. . . for preventing frauds in the execution of decrees. The law should be settled, either by distinct enactment to the effect intended, or the several Acts in relation to those courts should be consolidated in one general law, which last would certainly be most desirable.

"With regard to the Geo. . c. . the late Ejectment Act, which has created a new jurisdiction for assistant barristers courts, the same objection arises to it as to the 36 Geo. 3. c. 25. viz. that the expences of service of process, notices and witnesses, cannot be awarded against the party, and that there are fees payable to the judge. It also appears to me that there should be separate fees fixed for the attorney on preparing the process, entering the cause, attending the hearing, and preparing the decree, as in other civil bill cases. As the fees now stand, the attorney is entitled to one guinea on preparing the process, and he is not entitled to any more for the ulterior proceedings. The fee of the clerk of the peace is not at all adequate to his trouble, and the fee to the sheriff, though sufficient where he only gives a warrant to the plaintiff's bailiff, is not so when he is called upon (which he may be) to execute the decree himself, or by his own officer, the fee is only 1s.; whereas on executing a writ of a similar description from the superior courts, he is entitled to 2*l.* 10*s.*

"In the superior courts, when an ejectment is brought, and there is not any defence taken to it, judgment and execution are obtained by default, without any proof, save an affidavit of service of the ejectment, and in rent cases an affidavit of the sum due. The law is different as to quarter sessions, it being necessary there to prove the case, although no defence be taken, which on account of the expense of witnesses often makes the expense of the sessions court as much as that of proceeding in the superior court. It might perhaps be wrong to alter the law as regards tenancies from year to year, or at will; but an alteration as to ejectments, founded on nonpayment of rent under demises in writing (to very few of which there are defences), would materially benefit the landlord, and would save money to the tenant, if he afterwards came to redeem his interest by payment of rent and costs.

"According to the forms of process given by the Ejectment Act, there can be only one title set out on the part of the plaintiff; it frequently happens, that from family settlements, outstanding trust terms, and mortgages granted after the commencement of the defendants tenancy, doubts may arise whether the landlord can recover in an ejectment brought in his own name, inconveniences have arisen to proprietors of extensive estates in consequence of this; and as the alteration would not add any expense, nor do any injury to defendants, it would be well to enable the plaintiff to proceed by service of a declaration in ejectment, and notice to appear, as in the superior courts.

"There is not sufficient power vested in the court at quarter sessions, to enforce the attendance of witnesses on the civil side; the only penalty for nonattendance on a summons, is a fine not exceeding 20*s.*, and on the crown side there is not, as far as I am aware, any power to punish for such nonattendance.

"The fee payable to the clerk of the peace for a summons on the civil side (only 4*d.*) is not sufficient, and on the crown side it is 5*s.*, which is too much, considering the frequency of summonses, particularly in civil cases; 1*s.* would appear to be a reasonable charge for each summons on either side of the court."

Lord Killeen called in and examined.

WHERE do you reside in Ireland?—In the county of Meath.

Do you act as a magistrate in that county?—Yes.

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Is the police establishment under the new Constabulary Bill introduced into the county of Meath?—It is.

How long has it been introduced?—Since the month of December 1822.

How are the appointments of the police made in that county; by what authority?

—The constables and sub-constables were appointed by the magistrates; the chief constables of course by the government.

What description of individuals were appointed as constables and sub-constables by the magistrates?—They selected, in the first instance, those of the old baronial constables, who were qualified from their conduct, their age, and their learning, those who could read and write, which is a necessary qualification for them; afterwards the magistrates appointed those that they thought likely to fill the situation with advantage.

How have the expectations of the magistrates been answered, by the conduct of the individuals who have been so appointed?—Generally speaking, very well.

Have you had any opportunity of comparing the conduct of the police in your county, which has been appointed by the magistrates, with the conduct of the police in other counties, which has not been appointed by the magistrates?—Not exactly.

Do you consider that any good effects have arisen in consequence of the magistrates taking upon themselves to make those appointments, and making them from the body of the people in the county?—Certainly; I consider that where the magistrates have made the appointments the appointments have been better made than by leaving it to chief constables, as it has, I understand, been done in other places.

Have any ill effects arisen out of the appointments made by the magistrates, by reason of the local prejudices or connections of constables appointed?—Not in the county of Meath; I am not aware of it.

What description of persons are appointed by Government, as chief constables in the county of Meath?—Half-pay officers in general.

Have those appointments been such as to render the police of your county efficient?—I think they have.

Are there any defects in the present constabulary system in Ireland, which have suggested themselves to your lordship's mind?—Yes; it is the practice constantly when a man behaves ill in one place, to remove him to another; I speak of the constables, not of the chief constables.

What would your lordship suggest as a punishment in place of his removal?—It is hard to say.

Can you state any particular instances in which this power of removal for some misconduct, operated to the prejudice of the police establishment in the county of Meath?—No.

Has it produced any evil consequences when it was done?—Not that I am aware of; because the persons have been removed to a distance, and have been lost sight of.

Are there any other defects in the present constabulary system, to which you would wish to point the attention of the Committee?—In the old baronial constable system, the police was so excessively deficient and inefficient, that we were very glad to have the Constabulary Bill; and the county of Meath was one of the first in which it was introduced.

Is the system of petty sessions introduced into the county of Meath?—Yes.

Is it universally acted upon?—I think now it is universally, in the county of Meath, within a few months; but, in some parts of it, it has been in existence for two years, or two years and a half.

Is your lordship acquainted with any magistrates who still continue to act individually, after the introduction of the petty sessions system?—No.

What alteration do you conceive was introduced into the practice of magistrates, by the establishment of the petty sessions?—I think the establishment of petty sessions has given the people a very great confidence in the decision of magistrates.

Has that consequence resulted from the openness of the proceeding, or from the combined administration of justice by two or more magistrates?—From both.

Do you conceive that it has made any difference in the expences attendant upon proceedings before magistrates?—Not in the country where I reside. I think it has

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has not, because the magistrates immediately around us were not what are called trading magistrates.

What do you understand to be meant by trading magistrates?—Magistrates who have not much stake in the country, and who receive payment for warrants and summonses, &c.

Was that at all a common practice in Ireland?—I understand it was.

Is it common still?—I think not.

What species of misbehaviour of constables is that for which they have been removed to other parts of the country?—There is at this moment, I believe, I speak merely of the county where I reside, a person of the name of Rowley, whose wife was a Roman Catholic; she was ill in labour, and wished to see the Roman Catholic clergyman; her husband, who was a Protestant, did not chuse that she should see a Roman Catholic clergyman: he sent for a Protestant clergyman, and the Protestant clergyman finding that the woman did not wish to have his assistance, retired, and recommended that a Catholic priest should be sent for. The woman died without seeing any clergyman. That man was reported to the superintendent of the county, and he was removed to another post or station.

Then his misbehaviour was not connected with his public duty as constable?—No.

Are the Committee right in supposing, that the circumstances of misbehaviour for which a man is removed from one station to another, are circumstances not so much connected with his duty as a constable, as for his conduct in other particulars, which may have rendered him obnoxious to the neighbourhood?—I think not; that is the only instance I can speak of from my own knowledge.

Have not the police in the county of Meath, in some instances, been unfortunately obnoxious to the inhabitants where they have resided?—They have.

In those cases, were the constables originally selected from the district where they were stationed?—I cannot say for certain.

Has it not been the practice, to bring the misconduct of those constables before the magistrates assembled at petty sessions, by the chief constable?—It has.

Therefore any misconduct has been taken cognizance of before the petty sessions, and they have come to some decision with respect to that misconduct?—In general.

The punishment has been inflicted under the direction of the chief constable?—The only punishment, I believe, that the Constabulary Bill allows, is removal or dismissal; there is not military discipline.

In what respect have the police rendered themselves obnoxious in the eyes of the people at large?—There was a case at Summer Hill, the facts of which I do not at this moment exactly recollect; I know it only from hearsay; a case of what was called murder; there was a death.

Is your lordship aware, whether the individuals, who were concerned in that death, were brought to trial?—The assizes are, at this moment, going on.

In that case at Summer Hill, was the cause of quarrel at all connected with difference of religious belief?—I believe it was.

Are you aware, that the magistrates have the power of fining constables for ill-behaviour?—Yes.

And of dismissing them?—Yes; I think it is the government that has the power to dismiss.

And of reducing them from one rank to another?—Yes.

When did that case, that you mention, occur at Summer Hill?—Some months ago; I am not quite certain as to the precise time; but it is since the last assizes.

Where are your petty sessions held, in what situations in the county of Meath?—I think, at this moment, the county is divided into seven or eight districts.

In what description of houses are they held?—We have four quarter sessions towns where there are court-houses; and in the other towns they are held in the best houses which can be had.

There is no power existing by law at present, to establish small court-houses, for the purpose of holding petty sessions?—I believe not.

Do you conceive the administration of justice in those petty sessions, would be more regular, and more impressive upon the minds of the people, if there were small court-houses established at the different stations where the sessions are held?—I am sure of it.

Have you heard, among the magistrates in the county of Meath, any complaint of the uncertainty of the present state of the law, with regard to the fees that are to be

be taken for the clerks, of the petty sessions?—Yes, I find it is complained of a great deal.

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Do not you conceive it would be very desirable, that the fees that are to be taken upon justice business, should be fixed and ascertained by law?—I think it would.

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Is there a record in writing, kept at the petty sessions in the county of Meath, with which your lordship is acquainted, of their acts done?—Yes, every case is entered in a book, and the decision upon such case.

In case that practice should not be universal in other parts of Ireland, do you not think it would be desirable to make it imperative upon the magistrates presiding at petty sessions, to preserve a record in writing of all their acts?—I do, certainly.

Is the attendance of the chief constables constant at the petty sessions?—At the petty sessions that I attend, invariably the chief constable is present; I have never known him to be absent.

Has it ever occurred to your lordship, that it would be desirable to confer upon the magistrates, at petty sessions, any power of proceeding in recovering small debts?—No, I have never thought of it.

Do you not think, that the establishment of court-houses at different places throughout the county, where petty sessions are held, would cause a great deal of discontent amongst the population of the county, on account of the expense of it?—The expense might create discontent; but I am sure, in some towns, it would be very beneficial to have a public court, because the great advantage arising from the system of the petty sessions, is its publicity and openness.

How are houses now provided at those places?—I do not know; where I attend, is one of the quarter sessions towns.

Have you heard any complaint in the towns which are not quarter sessions towns, from the magistrates, that they are insufficiently accommodated?—Not from the magistrates; but I have heard from a chief constable who attended another petty sessions where I do not go, that there was a great inconvenience arising from want of a large and proper house.

What is the species of duty that devolves upon the magistrates at petty sessions?—Chiefly servants wages accounts.

And informations?—Of course; but I should state, that as the county I live in is very tranquil, that one half of the year there is scarcely any business but those small complaints of the servants against the masters for wages due.

Do not you apprehend, that the giving to the petty sessions a jurisdiction in small debts, would entail upon them a very burthensome duty?—I think it would.

Do you conceive that the gentlemen who live in the neighbourhood, would be willing to undertake to give up so large a portion of their time as would be necessary for the settlement of such questions?—I cannot possibly answer for others; some gentlemen I dare say would.

Do you think it necessary, considering the mode in which those questions are decided now, that such a jurisdiction should be given to the petty sessions?—No.

What time do the petty sessions ordinarily occupy?—We meet at twelve o'clock, and we generally break up from four to five.

How often do you sit?—Once a week.

Does it occur to your lordship, that, constituted as the magistracy is, and necessarily constituted, in consequence of the number of absentee proprietors, that great inconvenience might arise from extending the jurisdiction of the petty sessions, in cases of wages and debt?—From what I have heard in other parts of Ireland, I should suppose it would.

When you speak of its being a fit tribunal to extend the jurisdiction of, you refer to that part of the country with which you are acquainted?—Yes.

Have you ever turned in your mind to what limit the jurisdiction, with respect to the recovery of small debts might be extended?—No; six pounds, I think, is the highest sum to which a magistrate is now empowered to go.

To what do you think it might be beneficially extended?—I should think, in cases of wages, very safely to ten pounds.

You act as a grand juror?—Yes.

Have you been able to trace any material reduction in the number of bills which are sent in to the grand jury, subsequent to the establishment of petit sessions in the country?—No, I do not know that I have.

Are there any parts of the county of Meath, where it is difficult to form a court of petit sessions, owing to the want of magistrates?—Except perhaps for the

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want of a proper house, there are quite or nearly magistrates enough to form a bench.

In what district of the county does your lordship state it has been difficult to form a court, in consequence of the want of a house?—I mentioned just now having heard from the chief constable, that at a town called Longwood, there was an inconvenience arising for the want of a court-house.

How far distant is that from any other place where petit sessions are held?—Probably six miles.

Has not the establishment of petit sessions considerably contributed to general good-will in the country, to the arrangement of quarrels among the common people?—Certainly.

And given general satisfaction?—Yes.

Is it at all the habit of the people to come to the petit sessions, to refer their own little disputes to the magistrates for amicable determination?—Yes, they do.

Are the magistrates willing to lend their assistance in such cases?—Perfectly so.

Has that a tendency to increase the confidence of the people in their legal decisions?—I think it has.

Do not they also apply to individual magistrates for the amicable settlement of their petty differences?—They do; but in general, in the district where I live, we came to a sort of an understanding, that we should never act individually.

Does your lordship apply that to acting judicially, or to acting in an amicable and friendly manner?—I fancy the arrangement was made with a view to acting judicially, but a magistrate would scarcely refuse to be a friendly arbitrator.

Are the people in your lordship's neighbourhood ever in the habit of referring their differences to each other, to what they call the saying of two men?—Very constantly.

Are they apt to be satisfied with those arbitrations?—They are.

Would the presence of a paid magistrate meet with the displeasure among the magistrates in general, in your lordship's apprehension?—Certainly; I think it would meet with great displeasure?

Would it not have the effect of indisposing the unpaid and ordinary magistrates of the country, from giving their attendance at all?—I think it would.

Are you aware how the appointment of an assistant barrister at quarter sessions being a paid magistrate, has operated in regard to the ordinary attendance of the magistrates of the county at quarter sessions?—I do not apprehend that has caused any difference, because the assistant barrister sits besides, to decide civil bill causes; and upon the days upon which assaults and other criminal questions are decided there is always a good attendance of magistrates.

On the revision of the magistracy were many gentlemen superseded in the commission of the peace for the county of Meath?—I think only four.

Are there many Catholic gentlemen in the commission of the peace?—I believe ten or eleven.

What may be the number of those in the commission?—There are more than fifty; but I cannot be positive as to the exact number.

Have any of the magistrates who were superseded, been appointed?—I believe not.

Does the number of Catholic magistrates in the county, bear a fair proportion to the Catholic property as compared with the Protestant?—Pretty nearly.

Has the subdivision of property gone on considerably in the county of Meath?—Not so much as in other parts of Ireland, because it is a grazing county.

Is there any considerable extent of church lands or college lands in the county of Meath?—Not a great deal I think.

Has your lordship been able to perceive any distinction between the subdivision of property upon college and church grounds, or lands upon which there are no freeholds granted, as compared with lands upon which freeholds have been granted?—I am not sufficiently acquainted with the church and collegiate lands to be able to answer that.

Have you ever heard of any objection being made in Ireland, to the purchase of lands, upon the ground that the original title of those lands had been forfeited, and patent subsequently granted?—Never.

You have never heard of any disinclination on the part of Catholic purchasers to become possessed of estates so circumstanced?—Never.

Nor do you believe any such disinclination to exist?—I have no reason to believe it.

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Are there a considerable number of freeholders registered in the county of Meath?—Very small indeed compared with the size of the county.

Have you perceived any inconveniences to result in the administration of landed property, by reason of the 40s. freehold system?—I think it is a bad thing for the proprietor of the soil.

Will your lordship have the kindness to explain in what respect you conceive it to be a bad thing?—A great subdivision of property producing a great many small holdings, and poor tenants, I think injures the proprietors of the soil.

How does your lordship conceive it to act upon the constitutional principle of representation; are the 40s. freeholders of Ireland a class in the community, that exercise their own free judgment in the choice of a representative?—I have heard that in many instances, they do; in other cases, and I believe more generally, they follow the interest of their landlord.

As far as the interests of the landlords are concerned, your lordship would see no objection to an extension of the qualification from 40s. to a higher sum?—My answer to that question would depend a great deal upon what the higher sum were fixed at.

Supposing that higher sum to be 10l. or 5l. what would your lordship's answer be?—I think that it perhaps would encroach a good deal, even at 10l. upon the principle of popular representation.

The question is directed simply to the interest of the landlord, as between landlord and tenant, whether in the management of the land, the interest of the landlord would be better secured by a qualification of 10l. than, as it is now, a qualification of 40s. ?—I should consider, that the interest of the landlord would be benefited by having a richer class of tenantry.

How do you conceive that such a measure would act upon the interest of the tenant?—I cannot exactly say.

If the system of dividing holdings into 40s. freeholds has been injurious to the landlord in dividing the land, might not the system of throwing a great number of those small holdings into one large one, for the purpose of making one freehold, be injurious to those who are now occupiers of the land?—I think it would.

Do you conceive that the subdivision of land which has been going on in Ireland, promotes, in any respect, the comforts of the tenantry?—I should think it does. I believe that in some instances, landlords, for the sake of having a freehold interest, consult the comfort of their tenantry; but I speak here not of my own knowledge.

In a former part of your examination, your lordship was drawing a distinction between the 5l. qualification and the 10l. and suggesting, that a qualification so high as 10l. might be too great an encroachment upon the popular principles of our representation; do the same observations apply to 5l.?—No, I think that 5l. would not encroach too much upon the political privilege of popular representation.

What description of holding, or what amount of rent do you think would leave to the tenant an interest of 5l. per annum in his holding, upon your own estate, for instance?—I cannot possibly answer that question in a moment.

What is the size of those holdings, upon which at present the lessees will swear that they have a 40s. interest, as far as your own knowledge goes?—About two acres, with a house; from two to four and five acres.

That, of course, must depend upon the rent?—Yes.

What rent is generally paid, as far as your personal and local knowledge goes, for those holdings of three or four acres?—Those four acres, with a house, will let from 2l. to 50s. per acre.

That would make it a holding of 7l. 10s. a year?—The question, I understood, referred to my father's estate.

Then a rent of about 7l. or 8l. paid to the landlord, will leave a 40s. interest to the lessee?—Yes.

The land in the county of Meath is very rich?—Generally very good; there are parts of the county very rich, and other parts where those freeholders are made, generally, are not so good.

Do you not know instances of a very large quantity of ground being in the possession of a farmer, who will register a 40s. freehold only?—I do not know of any such instance.

If the increased qualification for voting was to be made 5l., do you not think that such change of qualification would be a wise measure for Ireland?—If I am asked that question distinctly, and unconnected with what is called the question of Catholic emancipation, I should say it is not politic or wise.

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As accompanying the grant of the Catholic claims, do you think such a change of qualification expedient?—I think it would be; in fact, I am not quite prepared to answer that question, because my own mind is not quite made up on the subject. If the alteration were proposed without Catholic emancipation, I know it would produce very bad effects; if accompanied with Catholic emancipation, I think it might perhaps be beneficial.

The increased qualification would tend to check the subdivision of land?—I think it would.

And the multiplication of paupers?—Yes.

You stated, that you thought that the existence of the 40s. franchise, and the desire that many landholders have to extend their freehold interest, induced them to add to the comforts of their tenantry; in what way do you mean to state that to occur?—I did not state that of my own knowledge; but I had heard instances had occurred, where landlords have been induced to give a good tenure and a house, and have so far benefited their tenantry.

Then the benefit to the tenantry is, in fact, giving them a freehold lease?—Certainly, giving them an interest in their farm.

Does not the giving that freehold lease, coupled with the same desire of extending a freehold interest, add very much to the system of multiplying small holdings?—Yes.

How many have you known to be registered out of one holding as freeholders?—I think I never heard of more than one.

Is the system of joint tenancy extensively acted upon in the county of Meath?—I believe not.

Has there been a contested election, in the county of Meath, lately?—Never since the Union.

Has there been one since the elective franchise was granted, in the year 1793?—I believe there was one not long before the Union; I do not recollect it myself.

Then, in point of fact, the system of multiplying freeholders, which has prevailed in other parts of Ireland, has not existed to any great extent in the county of Meath?—No, excepting in the boggy districts, where poor people crowd together for the advantage of fuel, which is very scarce in that county.

Would your lordship venture upon an opinion, as to what impression would be produced upon the minds of those persons, who now are 40s. freeholders, in the event of their being disqualified, in consequence of the raising of the qualification of freeholders to 5l.?—As I stated before, I think if it was made a part of the question of Catholic emancipation, they would not be so adverse to the measure; but if it were proposed without that measure, I am quite certain their feelings would be hostile to the change.

Does it appear to your lordship, that the general class of 40s. freeholders, take much pride, or set much value upon the possession of the elective franchise?—As I was asked just now, whether we had ever had a contested election, and as I answered, that we have not had one, I can give no very decided answer to that question.

Have you ever heard, in any one county in Ireland, of a candidate canvassing the 40s. freeholders of the county?—It is not usual.

In point of fact, whom does the candidate generally canvass, when a contested election is apprehended in other counties?—Generally the great landed proprietors.

Did you ever know an instance of a candidate going about canvassing the 40s. freeholders?—No.

Does not your lordship think, those 40s. freeholders attach a good deal of value to the circumstance of their being freeholders, and that they may look up to the successful representative for whom they vote, for some little advantage after they have given him their services?—I have no doubt that they do.

Do you not apprehend, that the proprietor of those votes is more in the habit of looking up to the successful candidate, than the 40s. freeholder himself?—I should think, both landlord and tenant place some value on it.

Your observations, with regard to the franchise, are applied solely to counties, not to cities and towns?—Only to counties.

Are there not, in the county of Meath, several very considerable towns, in which the inhabitants are 40s. freeholders, which are not corporate towns or cities?—There is only one town, in the county of Meath that returns a member.

Are there other considerable towns besides that which do not return members?—Yes.

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What would be the effect upon the persons who reside in those towns, in the event of their being deprived of their franchise, or by the qualification being raised to 5*l*.?—I should imagine, that they would view the alteration with jealousy.

Are they not equally deriving their interest under some great landed proprietor; or does your lordship mean, that the freeholders in those towns are fee simple proprietors?—In the towns of which I speak, I believe they are chiefly deriving under great landed proprietors.

And following the interest of their landlords, in the same manner as other freeholders?—Yes, generally.

Is it not pretty much a matter of notoriety in Ireland, that those voters are driven to elections?—I have heard of its having happened.

Generally speaking?—Generally speaking.

Have you ever heard of the voters of a particular landlord, being kept in confinement until they voted, to prevent communication with other parties?—I have never heard of that.

Or of their being put into the pound?—No.

Do you happen to know how many voters there are in the county of Meath?—I heard, some time ago, that there were not a thousand registered voters.

Possibly the majority of those are not merely 40*s*. freeholders?—Many of them are.

Do you not apprehend that many of the 40*s*. freeholders in the county of Meath, from the largeness of their tenures, might register themselves 20*l*. freeholders, if they chose to do so?—Some might, but not what are commonly called the pauper 40*s*. freeholders.

Have you ever heard that a landlord has made it a personal quarrel with a candidate for canvassing his tenantry?—No, I never heard of that.

Does your lordship believe that a provision for the Catholic clergy, made by the state, would be acceptable to the clergy of the Catholic church in Ireland, being made a part of, and being accompanied with or following Catholic emancipation?—I have had no communication whatever with any of the Catholic clergy upon the subject, but as far as my own opinion goes, I should think there would be no objection to it.

Does your lordship think that any objection would be felt by their flocks, by those holding the Roman Catholic persuasion?—I see no reason why there should be, after Catholic emancipation.

Would it be received on the contrary, as a great boon on the part of Parliament, to those who now complain of having to support two establishments?—Always speaking of it as connected with Catholic emancipation, I believe the peasantry would have no objection to such a measure.

Is your lordship apprised generally, of the amount of income of the parish clergy of the Catholic church?—I have heard that some parishes produce perhaps 300*l*. a year; but I believe there are very few instances.

What is the average, do you suppose, in your own county?—I should think, as with us the population is not very great, perhaps from 100*l*. to 150*l*. would be a fair average.

Is that exclusive of the stipend to the curate or coadjutor, as he is called, in the Catholic church; has the clergyman to pay out of that, his assistant?—Certainly; the curate is generally paid by the parish priest.

Has he no sources of income, except what he receives from the parish priest?—I fancy not; the curates are very poor.

Are you aware of the income of the clergy of the city of Dublin for instance, or Cork; have you ever heard any estimate of their incomes?—The parishes in Dublin, some of them, are very valuable.

Of what value do you suppose?—I have heard some of them are as high as 500*l*. per annum.

Your lordship having stated, that you conceive the measure of a provision for the Roman Catholic clergy, would be acceptable to them and to the laity in Ireland, if accompanied with Catholic emancipation; does your lordship mean to suggest, that unaccompanied with that measure, a provision for the clergy would not meet with such acceptance?—I am quite sure it would not.

Can your lordship form any opinion whether the payment of the Roman Catholic clergy by the state, would be followed with an abandonment on the part of the

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Roman Catholic clergy, of the fees they are now in the habit of taking?—That would depend in a great measure on what the amount of the provision was to be.

Do you think there would be any objection, on the part of the Catholic body at large in Ireland, to allow the Crown the power of a *veto*, upon the appointment of the Roman Catholic bishops?—Very strong indeed.

Do you think the same objection would extend to the interference of the Crown in the appointment of all the Catholic clergy?—I do.

Would there be any objection to confining the appointment to what is called Domestic nomination, so as to exclude altogether the power of the Pope in originating the nomination?—I am inclined to think that the inferior or second order of clergy would like what is called Domestic nomination.

Will you explain what you call Domestic nomination?—It is very difficult for a layman to do that.

You confined your opinion respecting the attachment felt to domestic nomination, to the inferior clergy; was that from accident or from any intentional limitation of meaning?—By the inferior clergy, I mean the parish priests; what are called the Second order of clergy.

Why should the superior clergy not be of the same opinion?—Because I know that in many instances, the superior clergy do not like the popular election which has taken place by the parish priests.

Have there not been elections by deans and chapters in Ireland?—There have.

In which the choice originated with them, and has been confirmed by the See of Rome?—There have.

To that species of domestic nomination, your former observation does not apply?—No, by inferior clergy, I mean to exclude only the bishops.

Do you mean that the bishops would object to the nomination taking place by deans and chapters?—Not by a dean and chapter, but by popular election.

When in the answer in question, you expressed an opinion as to the sense of the Catholic church upon domestic nomination, you meant to confine yourself to one particular mode of domestic nomination, the election by the inferior clergy?—There are dioceses in which there are no dean and chapter, and in that case the election has been a popular election, by the whole body of parish priests and curates.

To such election, you conceive the superior clergy might feel indisposed?—I think they are rather adverse to that mode.

In those cases, where the election was amongst the body of the inferior clergy at large, was there not, in point of fact, a contest between them and the superior order, who claimed a right of postulating a coadjutor bishop, or electing a successor?—Jealousy sometimes exists.

Are the Catholic laity extremely jealous of the interference of the Pope, in any thing excepting the most purely spiritual matters?—No.

Has there been any interference of the kind, to be jealous of?—Not that I am aware of.

If the Pope did interfere in any thing except what was purely spiritual, would there be any jealousy; there are some things in which the spiritual and the temporal authority are very much mixed, and you hardly know where the spiritual authority begins and where it ends; now in questions of that kind, would not the Catholic laity be disposed to be jealous of the interference of the Pope, if he started beyond what, in the greatest latitude of the term, is called the spiritual part of the question?—It is a question upon which the people of Ireland think very little.

In point of fact, is there any interference in temporal matters by the Pope?—None, that I know of.

Do the Catholics hold, that the Pope has any right to interfere in temporal affairs?—No; he has no temporal authority in Ireland.

Are there any appeals to the Pope in cases of marriage?—I do not know of any, except to obtain dispensations.

Is not marriage one of the sacraments in the Catholic church?—Yes, it is.

For how many years has your lordship acted as a magistrate in the county of Meath?—About three years; as long as my father acted as a magistrate, I never took out a commission of the peace.

Your lordship has acted as a grand juror?—Yes.

Have you witnessed, in your county, any unfair prejudice in the administration of justice, as between Catholics and Protestants, in the assize courts and sessions courts?—I do not recollect any instance of prejudice or partiality at this moment.

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Are the juries composed indiscriminately of Catholics and Protestants?—Generally more Protestants than Catholics.

They are indiscriminately composed?—Yes; mixed juries.

Have you ever heard it objected to the formation of juries, or panels of juries, that religious party has found its way into the formation of them?—I know, that when the parties are of different religions, there is a distrust.

In what instances, or when?—The question has just recalled to my mind an instance, and a trivial one, in fact, but which will show the feeling of the poorer classes upon this point, at the quarter sessions, where there was a policeman to be tried for an assault; the policeman was a Protestant, the other persons were Catholics; and it was stated, and believed by the Catholic peasantry, that the petit jury were chiefly Protestant.

The policeman was the person to be tried?—There were two actions; there was an action of assault brought against the policeman, and a counter action for assault brought by him against the other party.

Had the policeman a right of challenge upon such an occasion?—If he had, I do not think he availed himself of it.

You say, the jury were Protestant chiefly?—I was told, chiefly so; but the man was acquitted.

Was the policeman acquitted?—The bill, as against the policeman, was ignored by the grand jury; the bill, as against the other man, was found by the grand jury; but he was acquitted by the petit jury.

Was the petit jury Protestant or Catholic?—Upon the petit jury, I understand, there were one or two Catholics, but I am not certain; I know it was not *exclusively Protestant*; and I mention this case merely to show the distrust which the lower orders have in the administration of justice, when the parties are of different religions.

But the policeman was never brought to trial?—The bill was ignored, as to him.

Is that the only instance of which you have heard?—In conversation, I have heard of many.

Has your lordship observed, among the lower classes of Catholics, a disposition to apply rather to Catholic magistrates than to Protestants, for redress of injuries they may conceive themselves to have sustained?—I think, in general, they have more confidence when they see both parties united; and that is one of the great advantages which, I think, has resulted from petty sessions.

Have any instances come within your knowledge, in which they have gone to a Catholic magistrate more distant, instead of to a Protestant nearer, before the establishment of the petty sessions?—I do not know myself, but I believe it sometimes happens.

Do you think, that the circumstance of the exclusion of Catholics from the office of sheriff, tends to cast any doubt upon the administration of the law, through the medium of juries, returned by sheriffs so appointed?—I do, particularly amongst the lower orders.

Do you think, that that exclusion so existing, has, in point of fact, produced an impression upon the minds of the Catholics in Ireland?—I think, that as long as Catholics are excluded from the office of Sheriff, and thereby prevented from forming juries, the Catholic population will not have the same confidence in the juries that it otherwise would have.

Are not Catholics sub-sheriffs?—They are eligible, I believe.

Is it not the sub-sheriff that summons all the petit juries, in point of fact and in practice?—Yes.

And Catholics do serve upon the petit juries?—They do.

Is not the sub-sheriff, where he does interfere in summoning juries, only a ministerial officer acting under the authority of the high sheriff?—I should fancy so.

So long as the high sheriff is necessarily a Protestant, do you not conceive that some degree of distrust must exist with regard to juries, even though they are appointed through the medium of a Catholic sub-sheriff?—I do.

Is there not, generally speaking, a very fair representation of the Catholic property upon the grand juries?—In the county of Meath, very fair indeed.

Does not that extend to petit juries?—Yes, I believe it does.

In point of number, is there not generally a majority of Catholics upon the petit juries in the county of Meath?—Very often; I believe I may say generally.

Is the sub-sheriff in Meath, Catholic or Protestant?—I do not know.

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Are you aware, at any period, whether he was or not?—I believe, last year, he had been a Catholic, but I have no knowledge of it.

So that, in point of fact, where the usage may have been to appoint indiscriminately a Catholic or a Protestant, your lordship has not considered it at all material, or of any consequence to inquire, what the profession of faith of the officer was?—I have never asked the question.

In what instances, or when?—The question has just related to my mind as an instance, and a trivial one, in fact, but which will show the feeling of the power class upon this point, at the quarter sessions, where there was a policeman to be tried for an assault; the policeman was a Protestant, the other party was Catholic; and it was stated, and believed, by the Catholic party, that the policeman was Catholic.

The point was it was the person to be tried?—I was not present; I was not an action of assault, I thought against the person, and I thought against the person.

Had the policeman a right to be tried?—I do not think he had a right to be tried.

You are not aware of any other instance?—I am not aware of any other instance.

By the parties?—I am not aware of any other instance.

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